

## **South Berwick Town Council June 25, 2013**

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 6:30pm. Councilors present included David H. Webster, John C. Kareckas, and Russell H. Abell. Town Manager Perry Ellsworth was also in attendance. Jean Demetracopoulos was not present.

### **Approval of Minutes**

1. Public Hearing 5-28-13: On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to adopt the minutes as written.
2. Council 5-28-13: On a motion by Mr. Abell, seconded by Mr. Kareckas, it was unanimously voted to adopt the minutes as written.
3. Special Council 6-11-13: On a motion by Mr. Kareckas, seconded by Mr. Webster, it was unanimously voted to adopt the minutes as written.
4. Special Council 6-20-13: On a motion by Mr. Webster, seconded by Mr. Abell, it was unanimously voted to adopt the minutes as written.

### **Treasurer's Warrant – June 25, 2013**

On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to sign the warrant in the amount of \$107,790.03.

### **Public Comment**

1. Linda Becker, Main St, **asked the Council to consider erecting a "Welcome" sign.** She added that the sign could welcome and inform travelers of points of interest in town. She suggested locating the sign at the intersection of Main Street and Route 236. The Council discussed the issue and agreed that we do not market ourselves enough. The Manager stated he would get a committee together to look into the issue.

### **Reports & Correspondence**

1. Mr. Ellsworth commented that he had received an email regarding the need for housing four exchange students for the upcoming school year. He stated that he has the contact information if anyone would like to offer housing.
2. Made note of ongoing problems between the County Budget Committee and County Commissioners. The York County Managers will be meeting on Wednesday to discuss the issue.

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

-Road construction: Traffic is starting to back up more, especially with the added project in front of the Asia Restaurant. The sidewalk concrete should be replaced on Wednesday. Most of the underground work should be done by next week. Grinding starts in mid July and some will occur **during the day.** Mr. MacPherson commented that **we've done our best at negotiating times.**

### **Unfinished Business**

1. On a motion by Mr. Able, seconded by Mr. Kareckas, it was unanimously voted to amend Article XIII §3-56 of the Administrative Code as presented. (The amendment changes the number of members on the Library Advisory Board from 7 to 5.)
2. On a motion by Mr. Kareckas, seconded by Mr. Abell, it was unanimously voted to accept the donation of property as described in the deed and recorded at the York County Registry in Book 16626, Page 59, and as referred to in Plan Book 361, Page 40. [This property is adjacent to the Town Forrest]

### **New Business**

1. 200<sup>th</sup> Anniversary sign: Mary Vaughn of the ad hoc committee explained that the committee **approached Signs By Mo to design a sign for the bicentennial.** The sign would be 8' tall and have a period look in keeping with the 200<sup>th</sup> anniversary.

Mr. Kareckas asked what materials would be used. Mrs. Vaughn stated that she was not sure of the materials but the sign would be sturdy for ground installation.

On a motion by Mr. Kareckas, seconded by Mr. Abell, it was unanimously voted to utilize the \$250 in the Historic District Commission 2012/2013 budget toward the 200<sup>th</sup> anniversary sign.

Mr. Webster questioned the sign for the library on the town hall front lawn and who authorized it. Mr. Ellsworth stated that it is the fundraising campaign sign; and he and Jon St. Pierre probably determined its location. The Council discussed the number of signs and the length of time they are present on the front lawn. Mr. Webster commented that the Council should have approval of all **"permanent" signage at the town hall or none.**

2. The Council discussed the necessity of transferring funds to cover 2012/2013 budget overruns. The overages will be offset by unspent funds from other departments. The following transfers were unanimously approved from the undesignated fund to the following budgets:

<u>Account</u>	<u>Amount</u>	<u>Cause</u>	<u>Motion by</u>	<u>Second by</u>
4160, Code Enforcement	\$1,500	Wages & Fuel Cost	Mr. Kareckas	Mr. Webster
4230, Police	\$9,900	Wages, Equip Repair	Mr. Abell	Mr. Kareckas
4325, Town Garage	\$3,500	Waste Oil Disposal And Propane	Mr. Webster	Mr. Kareckas
4335, Solid Waste	\$6,900	Wages for Driver Coverage & Fuel	Mr. Kareckas	Mr. Abell
4470, Library	\$4,300	Publications/Utilities/Equip	Mr. Abell	Mr. Kareckas
4510, Social Services	\$5,000	Assistance Grants	Mr. Kareckas	Mr. Abell

3. On a motion by Mr. Kareckas, seconded by Mr. Webster, it was unanimously voted to reappoint the following board and committee members for a term to expire June 30, 2016:

<u>Board of Assessment Review</u>	<u>Historic District Commission</u>	<u>Planning Board</u>
David Stansfield	B. Daniel Boyle	John Stirling
John Stirling	Virginia Jennings	
Brian Kunkel, Alt		
<u>Building Committee</u>	<u>Library Advisory Board</u>	<u>Zoning Board of Appeals</u>
David Stansfield	Peter Howell	Francis Jillson
Brad Christo	Tim Benoit	Smilie Gregg Rogers
<u>Conservation Commission</u>		
Marilyn L. Ladner		

The Council did acknowledge that Planning Board member Joel Moulton and Recreation Committee member Tracy LaPointe did not wish to be reappointed.

4. On a motion by Mr. Kareckas, seconded by Mr. Webster, it was unanimously voted to affirm the slate of Municipal Officials for Fiscal Year 2014:

Perry A. Ellsworth	Town Manager, Tax Collector, Treasurer, Road Commissioner
Roberta L. Orsini	Assistant Town Manager, General Assistance Director
Barbara Bennett	Town Clerk, Registrar of Voters, Motor Vehicle Agent, IF&W Agent
Beverly J. Hasty	Deputy Tax Collector
Fern Houliares	Deputy Treasurer
Craig Skelton	Assessing Agent
Jon St. Pierre	Public Works Director
Joe Rousselle	Code Enforcement Officer, Plumbing Inspector, Health Officer
Jim Webster	Alternate CEO & LPI
Dana P. Lajoie	Police Chief, Constable
George e. Gorman	Fire Chief, Fire Warden
Blain Cote	Emergency Management Director
Karen Eger	Library Director
Sharon Brassard	Recreation Director
Andrew Clark	Animal Control Officer

5. On a motion by Mr. Webster seconded by Mr. Kareckas, it was unanimously voted to authorize the Manager to explore opportunities for collaboration with Berwick pertaining to police and dispatch and to appoint Jack Kareckas and Russell Abell to work on this collaboration effort. Mr. Webster stated that he would be happy to serve as an alternate.

6. The Council discussed the bids received for the Vine Street Termination project. Bids were received from Hussey Excavation \$29,388.00, Mick Construction \$27,195.00, and Wm Shapleigh & Son Construct \$26,926.00. FEMA will cover 90% of the cost, with a 10% match from the Town. There is money in the Capital Improvements budget for roads.

On a motion by Mr. Kareckas, seconded by Mr. Abell, it was unanimously voted to award the bid to Wm Shapleigh & Son Construction in the amount of \$26,926.00.

7. **The Council discussed Eliot's good Neighbor Petition under section 126 of the Clean Air Act.** Mr. Kareckas explained that the petition asks that the U. S. Environmental Protection Agency take action concerning the emissions of sulfur dioxide that travel across the border into Maine from the Schiller Station coal-fired plant in New Hampshire. Both Mr. Webster and Mr. Abell stated that it would be nice to have someone come and speak to the Council about the issue.

### **Council Member Comments**

1. Mr. Abell:

-Thanked his son Marcos for attending the meeting and waiting patiently.

2. Mr. Webster:

-Commented that this was the first year he was able to attend the Hike-thru-History and enjoyed it very much.

-Commented that the parking area for the Town Forest looks great. The land was a nice donation **from the Gallo's.**

3. Mr. MacPherson:

-Commented that the VFW memorial for Paul Hussey, Sr. and Warren Hilton was well attended. The VFW always does a nice job.

**Both Mr. Webster and Mr. MacPherson made comments on the increased usage of Vaughan's Woods** and how improvements at the Town Forest will provide increased opportunities for usage there also.

### **Adjournment**

On a motion by Mr. Abell, seconded by Mr. Kareckas, it was unanimously voted to adjourn the meeting at 8:02pm.

Attested:

Barbara Bennett, CCM



TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00032865	240900 YORK COUNTY REGISTRY OF DEEDS	06/28/2013	1,261.00
00032947	209999 TAX REFUNDS	06/28/2013	140.50
00032948	132500 SECRETARY OF STATE M/V	06/28/2013	14,615.91
00032949	189999 REFUNDS	06/28/2013	20.00
00032950	209999 TAX REFUNDS	06/28/2013	1,463.46
00032951	189999 REFUNDS	06/28/2013	9.60
00032952	010523 ALLEN'S DRILLING & BLASTING IN	06/28/2013	1,155.00
00032953	020225 BAKER & TAYLOR	06/28/2013	79.60
00032954	021300 BERNSTEIN SHUR	06/28/2013	1,320.00
00032955	022850 BUSINESS EQUIPMENT UNLIMITED	06/28/2013	48.00
00032956	021680 BLUE COLD DISTRIBUTORS	06/28/2013	72.00
00032957	022150 BOSTON CO.	06/28/2013	505.00
00032958	022300 BOWS AND BALLOONS BY BRINA	06/28/2013	33.14
00032959	022503 SHARON BRASSARD	06/28/2013	36.73
00032960	030510 CENTRAL MAINE POWER	06/28/2013	1,997.18
00032961	030725 CITIZENS BANK (CHG)	06/28/2013	165.00
00032962	031425 COLONIAL LIFE & ACCIDENT INS.	06/28/2013	1,274.96
00032963	031440 COMFORT INN	06/28/2013	154.00
00032964	031579 CONSTELLATION NEW ENERGY	06/28/2013	1,719.93
00032965	050798 ELIOT SMALL ENGINE REPAIR INC	06/28/2013	199.95
00032966	050802 PERRY ELLSWORTH	06/28/2013	201.85
00032967	141000 FAIRPOINT COMMUNICATIONS	06/28/2013	1,309.97
00032969	070210 GALL'S INC	06/28/2013	115.57
00032970	071065 GREAT NORTHERN BUILDERS INC	06/28/2013	265.67
00032971	191330 HANNAFORD'S	06/28/2013	277.18
00032972	080248 HANSCOM'S TRUCK STOP INC	06/28/2013	3,265.42
00032973	080450 HARVARD PILGRIM HEALTH CARE	06/28/2013	22,943.40
00032974	080500 BEVERLY HASTY	06/28/2013	24.97
00032975	081055 FERN HOULIARES	06/28/2013	75.03
00032976	081305 HSE	06/28/2013	540.67
00032977	100150 JANETOS MARKET	06/28/2013	165.92
00032978	100380 JOHN DEERE LANDSCAPES	06/28/2013	147.57
00032979	120510 LAWSON PRODUCTS INC.	06/28/2013	559.15
00032980	122270 KENNETH LYNCH & SONS	06/28/2013	1,685.00
00032981	124618 KATHERINE A MACDONALD	06/28/2013	674.78
00032982	133195 MAINE TURNPIKE AUTHORITY	06/28/2013	34.00
00032983	134300 MAINE MUNICIPAL EMPLOYEES	06/28/2013	121.40
00032984	127000 CORRINE J MAHONY	06/28/2013	1,775.00
00032985	133194 MAINE TOWN/CITY MGMT ASSN	06/28/2013	143.75
00032986	140600 NEPTUNE INC	06/28/2013	63.00
00032987	150025 OAKWOODS LUMBER INC	06/28/2013	64.00
00032988	150830 PARSHLEY STEEL FABRICATORS INC	06/28/2013	3,000.00
00032989	160900 PORTLAND NORTH TRUCK CENTER	06/28/2013	296.30
00032990	161265 PORTSMOUTH FORD	06/28/2013	111.04
00032991	170000 QUILL CORPORATION	06/28/2013	232.94
00032992	180185 RCP LLC	06/28/2013	250.00
00032993	190010 S & J CONSTRUCTION	06/28/2013	325.00
00032994	190527 ANDREW SCHACHAT	06/28/2013	350.00
00032995	190680 SEACOAST REDICARE	06/28/2013	34.00
00032996	191060 SEXUAL ASSAULT SUPPORT SERVICE	06/28/2013	55.00
00032997	192400 SO BERWICK PETTY CASH ACCOUNT	06/28/2013	63.83
00032998	193410 SO MAINE REGIONAL PLANNING CM	06/28/2013	20.00
00032999	193605 SOUTHWORTH-MILTON INC	06/28/2013	114.39
00033000	193640 STAPLES	06/28/2013	979.16
00033001	133150 TREAS:STATE OF ME:SAFETY	06/28/2013	565.00
00033002	133107 TREAS,STATE OF MAINE/DEP	06/28/2013	172.00



TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00033010	161330 PRIZES	07/09/2013	100.00
00033011	161330 PRIZES	07/09/2013	50.00
00033012	161330 PRIZES	07/09/2013	25.00
00033013	161330 PRIZES	07/09/2013	100.00
00033014	161330 PRIZES	07/09/2013	50.00
00033015	161330 PRIZES	07/09/2013	25.00
00033016	230710 WELLS CINEMA	07/09/2013	624.00
00033017	010523 ALLEN'S DRILLING & BLASTING IN	07/09/2013	325.00
00033018	011250 TREASURER, STATE OF MAINE	07/09/2013	35.00
00033019	021375 H T BERRY COMPANY INC	07/09/2013	152.00
00033020	022240 GARY BOUCHER	07/09/2013	174.73
00033021	022244 VICTORIA BOURRET	07/09/2013	1,200.00
00033022	030500 CENTRAL MAINE POWER/CREDIT, COLL	07/09/2013	21.91
00033023	030920 CLEAN-O-RAMA	07/09/2013	124.56
00033024	050810 ANDREW ELWELL	07/09/2013	14.13
00033025	050815 EMPLOYEE HEALTH & BENEFITS	07/09/2013	603.60
00033026	070200 P GAGNON & SON INC	07/09/2013	540.00
00033027	071050 GREAT FALLS CLEANERS	07/09/2013	114.00
00033028	071307 GULF/FLEET FUNDING	07/09/2013	12.00
00033029	080248 HANSCOM'S TRUCK STOP INC	07/09/2013	1,927.97
00033030	022665 C.E. HOLMES CONSTRUCTION	07/09/2013	3,040.00
00033031	080998 HOME DEPOT	07/09/2013	297.08
00033032	081394 HUSSEY EXCAVATION INC	07/09/2013	2,310.00
00033033	090120 INLAND FISHERIES & WILDLIFE	07/09/2013	5,360.75
00033034	110520 KJE AUTOMOTIVE MACHINE INC	07/09/2013	365.00
00033035	120600 JEFF LEE	07/09/2013	784.00
00033036	124618 KATHERINE A MACDONALD	07/09/2013	23.16
00033037	132400 MAINE SAD #35	07/09/2013	587,064.17
00033038	133795 MICK BODYWORKS	07/09/2013	94.99
00033039	134200 MAINE MUNICIPAL ASSO (INS)	07/09/2013	8,273.70
00033040	133194 MAINE TOWN/CITY MGMT ASSN	07/09/2013	104.00
00033041	135950 MWDA	07/09/2013	30.00
00033042	140950 NEW ENGLAND STATE POLICE	07/09/2013	50.00
00033043	140803 NEW ENGLAND BARRICADE CO	07/09/2013	136.89
00033044	141386 NORTHEAST RESOURCE RECOVERY	07/09/2013	11.50
00033045	141365 NORTHEAST CREATIONS INC	07/09/2013	76.69
00033046	141370 NORTHEAST HYDRAULICS INC	07/09/2013	1,417.06
00033047	141400 NORTHERN DATA SYSTEMS INC	07/09/2013	1,455.00
00033048	159980 PATRIOT PROPERTIES INC	07/09/2013	7,200.00
00033049	160320 PINE TREE WASTE INC	07/09/2013	2,299.91
00033050	190094 SANEL AUTO PARTS CO	07/09/2013	1,566.52
00033051	190532 RACHEL ZOLL SCHUMACHER	07/09/2013	40.00
00033052	132500 SECRETARY OF STATE M/V	07/09/2013	18,980.41
00033053	191323 SHOEM ROADWAY SERVICES, INC.	07/09/2013	617.50
00033054	193410 SO MAINE REGIONAL PLANNING CM	07/09/2013	3,505.00
00033055	193605 SOUTHWORTH-MILTON INC	07/09/2013	26.86
00033056	201130 TOWN HALL STREAMS	07/09/2013	250.00
00033057	133125 TREAS, MAINE/ODRVS	07/09/2013	177.20
00033058	133105 TREASURER OF STATE/C.WPNS	07/09/2013	90.00
00033059	201230 JILL TREMBLAY	07/09/2013	22.60
00033060	061380 KRISTINE TRULOCK	07/09/2013	12.43
00033061	201300 TWO-WAY COMMUNICATION SERV INC	07/09/2013	193.00
00033062	220100 VILLAGE MOTORS	07/09/2013	150.00
00033063	220250 VIRTUAL TOWN HALL LLC	07/09/2013	5,450.00
00033064	230530 WEAPONCRAFT	07/09/2013	150.00
Total Not Prepaid			656,870.32
Total Prepaid			974.00
Grand Total			657,844.32

Check Number	-----Account-----	Date Paid	Amount
--------------	-------------------	-----------	--------

WARRANT NUMBER	\$ 657,844.32	DATE 07/03/2013
.....	.....	.....

\* \* \* TREASURER'S WARRANT \* \* \*

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

TOWN COUNCIL:

.....	.....
.....	.....
.....	.....
.....	.....

TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00033065	190120 SANFORD SPRINGVALE YMCA	07/23/2013	70.00
00033066	132500 SECRETARY OF STATE M/V	07/23/2013	6,877.55
00033068	230710 WELLS CINEMA	07/23/2013	984.00
00033069	090151 UNITED STATES TREASURY	07/23/2013	28.00
00033070	022180 BOSTON MUSEUM OF SCIENCE	07/23/2013	796.25
00033071	010336 AGGREGATE RECYCLING CORP	07/23/2013	2,519.80
00033072	010360 AIR CLEANING SPECIALISTS OF NE	07/23/2013	1,441.50
00033073	010585 AMAZON	07/23/2013	60.60
00033074	010740 AMERIFLEX CLAIMS ACCOUNT	07/23/2013	540.00
00033075	020225 BAKER & TAYLOR	07/23/2013	16.96
00033076	021097 BERGEN & PARKINSON, LLC	07/23/2013	723.68
00033077	022850 BUSINESS EQUIPMENT UNLIMITED	07/23/2013	783.89
00033078	021576 JANETTE BIRCH	07/23/2013	71.08
00033079	021668 BLOW BROS	07/23/2013	55.93
00033080	021800 BOB'S TROPHIES & AWARDS	07/23/2013	354.50
00033081	022150 BOSTON CO.	07/23/2013	300.00
00033082	022503 SHARON BRASSARD	07/23/2013	36.41
00033083	022710 BROX INDUSTRIES INC	07/23/2013	225.36
00033084	030510 CENTRAL MAINE POWER	07/23/2013	3,175.43
00033085	030725 CITIZENS BANK (CHG)	07/23/2013	150.00
00033086	030924 CLEAN HARBORS ENV SERVICES	07/23/2013	1,411.30
00033087	031430 COMCAST	07/23/2013	104.95
00033088	040550 ROGER DIONNE	07/23/2013	14.84
00033089	050785 ELIMINATOR INC	07/23/2013	1,152.00
00033090	061535 FRIENDS/SOBERW SR CTR	07/23/2013	139.48
00033091	010525 G&K SERVICES	07/23/2013	773.09
00033092	070200 P GAGNON & SON INC	07/23/2013	9.62
00033093	070600 GEORGE GORMAN	07/23/2013	118.17
00033094	071180 GROUP DYNAMIC INC	07/23/2013	275.00
00033095	191330 HANNAFORD'S	07/23/2013	179.75
00033096	080248 HANSCOM'S TRUCK STOP INC	07/23/2013	2,036.66
00033097	080500 BEVERLY HASTY	07/23/2013	114.13
00033098	022665 C.E. HOLMES CONSTRUCTION	07/23/2013	880.00
00033099	081394 HUSSEY EXCAVATION INC	07/23/2013	1,645.00
00033100	087015 IALEFI	07/23/2013	55.00
00033101	090138 INVOICE CLOUD	07/23/2013	50.00
00033102	090580 IRVING OIL	07/23/2013	249.01
00033103	140500 LABORATORY CORP/AMERICA HOLDIN	07/23/2013	60.45
00033104	120350 NORMAND LAUZE	07/23/2013	650.00
00033105	120510 LAWSON PRODUCTS INC.	07/23/2013	84.90
00033106	120660 ARMAND LEMIRE CO INC	07/23/2013	5,500.00
00033107	120970 LIBBY SCOTT INC.	07/23/2013	90,294.61
00033108	121900 GARY LUMAYE	07/23/2013	31.72
00033109	132400 MAINE SAD #35	07/23/2013	157.92
00033110	133195 MAINE TURNPIKE AUTHORITY	07/23/2013	33.80
00033111	133230 SCOTT D MALTESE	07/23/2013	2.97
00033112	133795 MICK BODYWORKS	07/23/2013	239.08
00033113	134200 MAINE MUNICIPAL ASSO (INS)	07/23/2013	35,036.75
00033114	134300 MAINE MUNICIPAL EMPLOYEES	07/23/2013	3,889.26
00033115	134601 EXXON/MOBIL	07/23/2013	577.93
00033116	140105 NAPA OF SOMERSWORTH	07/23/2013	55.68
00033117	140600 NEPTUNE INC	07/23/2013	27.50
00033118	141426 NORTRAX/POWERPLAN	07/23/2013	494.20
00033119	150025 OAKWOODS LUMBER INC	07/23/2013	64.00
00033120	159995 HL PATTEN CONSTRUCTION	07/23/2013	13,971.00
00033121	200700 PIKE INDUSTRIES INC	07/23/2013	1,396.96



July 17, 2013

Dear Town of South Berwick and Planning Board,

After speaking with Perry Ellsworth, I am contacting you about the proposal to adopt the small area behind 18 Portland Street. In doing so, I would like to manage the landscaping in order for this area to become more aesthetically pleasing to the patrons and the people of South Berwick. In order to complete this task, I would hire a landscaping company to manicure the lawn, redesign the rear driveway in order to prevent unnecessary automobiles, as well as beautify the rear of the building with perennial gardens. This will benefit local business by becoming a more pleasant experience for patrons who park in the public parking lot. Currently, the area is filled with tall grass, mud puddles, and dumpsters. As you would imagine, not inviting to the patrons of South Berwick. In making these additional beautifications to the landscaping, it would benefit the businesses of downtown South Berwick and help them to continue to thrive. Thank you for your time and consideration concerning this matter. Please feel free to contact me with any questions at 207-752-2854.

Sincerely,

A handwritten signature in black ink, appearing to be 'Rob Miller', written in a cursive style.

Rob Miller  
Owner of Isidore on the Rocks  
18 Portland Street  
South Berwick, ME 03908



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

<b>Meeting Date: July 23, 2013</b>	<b>Item # NB 1</b>
<b>Agenda Item: Authorize the Town Manager to move forward with the sale of land.</b>	
<b>Town Manager's Recommendation</b>	
The proposed sale is for the following properties: Map 2 Lot 37, Map 2 Lot 39, & Map 2 Lot 39A	
<b>Requested Action</b>	
Motion to authorize the Town Manager to move forward with this sale of land to Great Works Regional Land Trust.	
<b>Vote</b>	





# Maine Municipal Association

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

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Peter Nielsen, MMA President  
Town Manager, Town of Oakland

DATE: July 8, 2013

SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

**Deadline: Friday, August 16, 2013 by 12:00 noon**

---

**Nomination Process** – Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2014 to member municipalities.

**Petition Process** – As part of the May mailing, information was also provided on the Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was July 8. There were no municipal officials nominated by petition.

***It is now time for each member municipality to cast its official vote.***

**Election Process** – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for “*Write-in Candidates*” since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers **or** a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association 12:00 p.m. on Friday, August 16. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted that afternoon and the election results confirmed under my direction as President of the Association.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at [www.memun.org](http://www.memun.org) on Friday, August 16, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held **Wednesday, October 2, at 1:45 p.m., at the Augusta Civic Center**. Newly elected Executive Committee members will be introduced at the MMA Annual Business Meeting and officially take office on January 1, 2014.

If you have any questions on the Election Process, please contact Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at [tchavarie@memun.org](mailto:tchavarie@memun.org). Thank you.



**MAINE MUNICIPAL ASSOCIATION**  
**VOTING BALLOT**

**Election of Vice President and Executive Committee Members**  
*Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 16, 2013*

**VICE-PRESIDENT - 1 YEAR TERM**

**Vote for One**

**Proposed by MMA Nominating Committee:**

**Marston Lovell, Councilor, City of Saco**

**DIRECTORS - 3 YEAR TERM**

**Vote for Three**

**Proposed by MMA Nominating Committee:**

**James Chaousis, Town Manager, Town of Boothbay**

**Linda Cohen, Councilor, City of South Portland**

**Mary Sabins, Town Manager, Town of Vassalboro**

*Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.*

*The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.*

**Date:** \_\_\_\_\_ **Municipality:** \_\_\_\_\_

**Signed by a Municipal Official designated by a majority of Municipal Officers:**

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**OR Signed by a Majority of Municipal Officers**

**Current # of Municipal Officers:** \_\_\_\_\_

**Print Names:**

**Signatures:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Return To:**

**MMA Annual Election**  
**Maine Municipal Association**  
**60 Community Drive**  
**Augusta, Maine 04330**  
**FAX: (207) 626-3358 or 626-5947**  
**Email: [tchavarie@memun.org](mailto:tchavarie@memun.org)**

**MAINE MUNICIPAL ASSOCIATION  
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF  
PROPOSED SLATE OF NOMINEES FOR 2014**

**MMA VICE PRESIDENT (1-Year Term)**

**MARSTON LOVELL**

- City of Saco, Councilor (2007 – present)
- City of Saco, Deputy Mayor, elected by the council (January 2009 – 2011)
- Council member, Saco RSU Withdrawal Committee (July 2012 - present)
- Council member, Saco Traffic Safety Committee (2007 – present)
- Council member, Saco Sesquicentennial Celebration Committee (2012)
- Vice President, Maine Municipal Association (April 2013 – present)
- Member, Maine Municipal Association Executive Committee (2011 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (2011 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2011 – present)
- Member, MMA Strategic & Finance Committee (2011-2012); Chair (Jan – March 2013)
- Maine Municipal Association, Legislative Policy Committee, Member (2008 – present)
- Manufacturers Analytics, computer and communications systems services, Owner and Operations Manager (1987 – present)
- Biddeford-Saco-Old Orchard Beach Transit Company, committee (board) Member (2008 – 2012)
- Member, Board of Directors, Biddeford-Saco Area Economic Development Corporation (2012 - present)
- Southern Maine Regional Planning Commission, Municipal Representative (2007 – present)
- Dyer Library Association, private, non-profit library and museum complex, board of trustees, Member (2001-2006), Treasurer (2002 – 2005)
- Accountant, three National Manufacturing Corporations, progressively more responsible positions resulting in Divisional Controller for two of those corporations (1978 – 1988)
- BSBA in Accounting, BA in Liberal Arts, University of Southern Maine (1975 –1978)
- Town of Sanford, Representative Town Meeting, member, (1970 – 1971)
- Maine Medical Center, Research Department, research assistant, internationally recognized published research (1970 – 1974)
- Children’s Hospital Medical Center of Boston, Anesthesia Department, chief laboratory technician (1967 – 1968)
- Peter Bent Brigham Hospital, Research Department, research technician, (1966 – 1967)
- Military Service, as a reservist, progressively more responsible positions including four engineer troop commands, six staff positions four of which were construction related, military construction experience Viet Nam, Germany, New England, 2 Achievement Medals, 4 Commendation Medals, Meritorious Service Medal (1963 – 1970, 1977 – 1994).

(over)

## **MMA EXECUTIVE COMMITTEE MEMBERS (Three 3-Year Terms)**

### **JAMES D. CHAOUSIS**

- Town Manager, Town of Boothbay (November 2010 – present)
- Town Manager, Town of Livermore Falls (April 2009 – November 2010)
- Board of Directors, Maine Town & City Management Association (2011 – present)
- Board of Directors, Lincoln County Regional Planning Commission (2012 –present)
- Board of Directors, Boothbay Harbor Region Chamber of Commerce (2012 –present)
- Board of Directors, Midcoast Economic Development District (2011 – present)
- Board of Directors, Androscoggin Valley Council of Government (2009 – 2010)
- Jay/Livermore/Livermore Falls School Consolidation Committee (2010)
- BAS with minor in Public Administration, University of Maine
- Marine Corps, Gulf War Veteran (six years)

### **LINDA COHEN**

- Councilor, City of South Portland (2012 – present)
- City Clerk, City of Portland (2001 – 2011)
- City Clerk, City of South Portland (1989 – 2001)
- Member, Maine Municipal Association Executive Committee (April 2013 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (April 2013 – present)
- Member, MMA Property & Casualty Pool Board of Directors (April 2013 – present)
- Member, MMA Legislative Policy Committee (Portland and Westbrook representative) (2001 – 2011)
- MTCCA Affiliate Representative to MMA Legislative Policy Committee (1990's – 2011)
- South Portland Civic Service Commission (2009 – 2012)
- South Portland Lions Club (2011 – present)
- South Portland/Cape Elizabeth Chamber (2010 – present)
- Director of Development, LearningWorks, Portland, Maine (present)
- Licensed Loan Officer at Cumberland County Mortgage, South Portland (present)
- Licensed Realtor at The Maine Real Estate Network, South Portland (present)

### **MARY SABINS**

- Town Manager, Town of Vassalboro (June 2008 – present)
- Town Manager, Town of Chelsea (2006 – 2007)
- Food Services and Facilities Director, School Administrative District 40, Waldoboro, Maine (2005 – 2006)
- 1<sup>st</sup> Town Manager, Town of Windsor (2001 – 2005)
- Town Administrator, Town of Hope (1997 – 2001)
- Town Clerk and Tax Collector, Town of Union (1988 – 1997)
- BA in Business Management, University of Maine at Augusta (2001)
- Board of Directors for the Kennebec Valley Council of Government (2008 – 2009)
- Maine Municipal Leadership Award by Maine Resource Recovery Association
- East Union Pioneer Grange Community Service Award

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

<b>Meeting Date: July 23, 2013</b>	<b>Item # NB 6</b>
<b>Agenda Item: Audit Engagement Letter</b>	
<b>Department Head Recommendation: Fern Houliares</b>	
<p>In the past, the Town Manager (Treasurer) has signed the Engagement Letter for the annual audit. An article in MMA's Townsman Legal section, however, indicates that it is the responsibility of the Municipal Officers.</p> <p>The audit has been tentatively scheduled for October 28-29, 2013</p>	
<b>Town Manager's Recommendation</b>	
<b>Requested Action</b>	
Sign Audit Engagement letter for Smith & Associates, CPAs	
<b>Vote</b>	

# Smith & Associates, CPAs

## *A Professional Association*

---

500 US Route One, Suite 203 • Yarmouth, Maine 04096  
Ph (207) 846-8881 • Fax (207) 846-8882  
www.smithassociatescpa.com

July 17, 2013

TOWN OF SOUTH BERWICK  
180 Main Street  
South Berwick, ME 03908

We are pleased to confirm our acceptance and understanding of the terms and objectives of our engagement and the nature and limitations of the services that Smith & Associates will provide the Town of South Berwick for the year ended June 30, 2013.

### **Scope and Objective of the Audit**

We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the Town of South Berwick as of and for the year ended June 30, 2013. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany the Town of South Berwick's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.

Management has chosen not to include the following RSI as required by generally accepted accounting principles, and such items will not be subjected to limited procedures or audit:

- Management's Discussion and Analysis

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions.

### **Responsibilities of Auditor**

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

**Responsibilities of Auditor (Continued)**

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by the Town's management, as well as evaluating the overall presentation of the financial statements.

Because an audit is designed to provide reasonable, but not absolute, assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements; however, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditor's is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to you and those charged with governance internal control related matters that are required to be communicated under professional standards.

In addition, we will provide the Town with the following nonattest services:

- Prepare the financial statements based on information in the trial balance and other relevant information that is provided by, and is the responsibility of, management.

Our professional standards require that we remain independent with respect to our audit clients, including those situations when we also provide nonattest services, such as those identified above. As a result, you accept the responsibilities set forth below related to our performance of nonattest service as a part of this engagement:

- Assume all management responsibilities.
- Oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, and/or experience.
- Evaluate the adequacy and results of the services performed.
- Accept responsibility for the results of the services.

**Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. You are also responsible for making all management decisions and performing all management functions; for designating an individual with suitable skill, knowledge, or experience to oversee our assistance with the preparation of your financial statements and related notes and any other nonattest services we provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

**Management Responsibilities (Continued)**

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Town of South Berwick and the respective changes in financial position and where applicable, cash flows, in conformity with U.S. generally accepted accounting principles. You are also providing us with (a) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statement, (b) additional information that we may request for the purpose of the audit, and (c) unrestricted access to person within the Town from whom we determine it necessary to obtain evidence.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements.

You are also responsible for informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others.

In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

As part of our audit process, we will request from management and those charged with governance, written confirmation concerning representation made to use in connection with the audit. Management's and those charged with governance failure to provide representations to our satisfaction will preclude us from issuing our audit report.

**Time Limitations**

Because there are inherent difficulties in recalling or preserving information as the period after the engagement increases, you agree that notwithstanding the statute of limitations of the State of Maine, any claim based on this engagement must be commenced within 24 months after performance of our service, unless you have previously provided us with a written notice of a specific defect in our services that form the basis of a claim.

**Loss Limitation and Indemnification**

During the course of our engagement, we will request information and explanations from management regarding the company's operations, internal controls, future plan, specific transactions, and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written representation letter. The procedures we will perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. Accordingly, false representations could cause us to expend unnecessary efforts or could cause a material error or a fraud to go undetected by our procedures.

**Loss Limitation and Indemnification (Continued)**

In view of the foregoing, you agree that we shall not be responsible for any misstatements in the company's financial statements that we may fail to detect as a result of false or misleading representations that are made to us by management.

If we incur legal fees as a result of our reliance on any false representation by you, you agree to reimburse us for all our legal fees and related costs of defense.

There is the risk that potential errors and fraud can occur that can result in damages that may be several times the amount of our audit fees. In order to induce us to accept this engagement, you hereby agree that our liability for any negligence, errors, or omissions committed by us will be limited to five (5) times the amount of our audit fees, provided such negligence, errors, or omissions are not a result of our failure to perform the audit in accordance with professional standards, in all material respects.

**Audit Procedures - Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of South Berwick's compliance with applicable laws and regulations and the provisions of contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

**Engagement Administration, Fees, and Other**

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information.

In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing. In addition, we anticipate they will help us through the timely preparation of analyses and schedules.

We expect to begin our audit on October 28, 2013, and to issue our reports within a reasonable amount of time. Wayne C. Smith is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc). Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit.

We will do everything in our control to minimize the cost of these services. The fee estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you before we incur the additional costs.

**Engagement Administration, Fees, and Other (Continued)**

You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

**Reporting**

We will issue a written report upon the completion of our audit of the Town’s financial statements. Our report will be addressed to the Town Council, Town Manager and those charged with management. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the audit engagement. If our opinion is modified, then we will discuss the reasons with you in advance. If, for any reason we are unable to complete the audit of your financial statements, we will not issue a report on such statements as result of this engagement.

We appreciate the opportunity to be of service to the Town of South Berwick and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

**SMITH & ASSOCIATES, CPAs**  
*A Professional Association*

---

**Response:** This letter correctly sets forth the understanding of the Town of South Berwick.

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## System Review Report

December 19, 2012

To the Principal of Smith & Associates, CPAs  
and the Peer Review Committee of New England Peer Review:

We have reviewed the system of quality control for the accounting and auditing practice of Smith & Associates, CPAs (the firm) in effect for the year ended June 30, 2012. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards*.

In our opinion, the system of quality control for the accounting and auditing practice of Smith & Associates, CPAs in effect for the year ended June 30, 2012, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. **Smith & Associates, CPAs has received a peer review rating of *pass*.**

*Vachon Clukay & Company PC*