

**An Ordinance to Amend  
Chapters 102 Planned Growth  
of the South Berwick Town Code  
To exempt residential development in designated growth areas**

*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.*

\* \* \* \* \*

**102-3. Conformity required; exceptions**

All new dwelling units, located outside the designated growth area as defined in section 102-5, 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 the following uses, including hotels, motels, inns, lodging homes, commercial, office, senior housing, 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, located outside the designated growth area as defined in section 102-5 of this chapter, ~~which~~ shall conform to the requirements of this chapter.

\* \* \* \* \*

**102-5. Exemptions.**

The provisions of this chapter shall ~~not apply to~~ exempt any valid, unexpired building permits issued prior to April 1, 2013. The provisions of this chapter shall also not apply to any residential development proposed within the designated growth area defined in Figure 1, Growth Boundary Map of the Comprehensive Plan and which has existing public sewer, public water and public streets abutting the property as of April 1, 2014 as well as land being located in the B1, B2, BR, R1 and R2 zones.



**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
164 STATE HOUSE STATION  
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

**DEPARTMENT USE ONLY**

**LICENSE NUMBER:** \_\_\_\_\_ **CLASS:** \_\_\_\_\_

**DEPOSIT DATE**

**AMT. DEPOSITED:** \_\_\_\_\_ **BY:** \_\_\_\_\_

**CK/MO/CASH:** \_\_\_\_\_

**PRESENT LICENSE EXPIRES** \_\_\_\_\_

**INDICATE TYPE OF PRIVILEGE:**  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTINONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> —(Sole Proprietor, Corporation, Limited Liability Co., etc.) Thistle Pig Restaurant Inc <b>DOB:</b> _____ President: Benjamin Hasty <b>DOB:</b> 6/2/84 Vice President: Jennifer Fecteau <b>DOB:</b> 8/17/81	<b>2. Business Name (D/B/A)</b> Thistle Pig Restaurant Inc. 279 Main Street Location (Street Address) South Berwick ME 03908 City/Town State Zip Code 279 main st. ME 03908 Mailing Address South Berwick ME 03908 City/Town State Zip Code 603-205-3328 N/A Business Telephone Number Fax Number 464616897 = Fed ID # N/A.
<b>Address</b> 489 Emerys Bridge Rd South Berwick, ME 03908 City/Town State Zip Code (603) 205-3328 N/A Telephone Number ↑ Fax Number 464616897 = Fed ID # Federal I.D. # ↑	<b>Business Telephone Number</b> _____ <b>Fax Number</b> _____ <b>Seller Certificate #</b> _____

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: Benjamin Hasty chef/owner Jennifer Fecteau manager/own
8. If business is NEW or under new ownership, indicate starting date: May 9<sup>th</sup>, 2014  
Requested inspection date: ASAP 4/15/14 Business hours: 11am-10pm
9. Business records are located at: 279 main st. South Berwick, ME 03908.  
corporation paperwork at Attorney Michael Lawrence 243 Main St. South Berwick, ME 03908

10. Is/are applicants(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Benjamin Curtis Hasty	6/21/84	Sanford, ME
Jennifer Rae Fecteau	8/17/81	Biddeford, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
South Berwick, ME  
Kittery, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: N/A Date of Conviction: N/A  
Offense: N/A Location: N/A  
Disposition: N/A

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: John Stirling 70 Knights Pond Rd South Berwick ME 03908

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Full service Restaurant 55 seats, lunch + dinner, hearty fare, open 11am-10pm

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES  NO  Applied for: Health license pending (applied)

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? less than 1 mile Which of the above is nearest? school/church

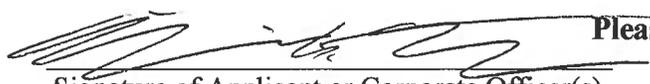
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO   
If YES, give details: Private Investors. Susan + Ron Tuveson Kittery, Maine  
owner of Acorn Kitchen, Kittery, Maine

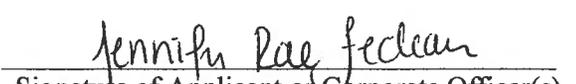
The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: South Berwick ME on 3-25-, 2014  
Town/City, State Date

Please sign in blue ink

  
Signature of Applicant or Corporate Officer(s)  
BENJAMIN C. HASTY  
Print Name

  
Signature of Applicant or Corporate Officer(s)  
Jennifer Rae Fecteau  
Print Name



**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and Enforcement**

<b>For Office Use Only:</b>
License #: _____
Date Filed: _____

**Supplemental Information Required for  
 Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

- Exact legal name:  
Tristle Pig Restaurant Inc.
- Other business name for your entity (DBA), if any:  
N/A
- Date of filing with the Secretary of State: 1-23-14
- State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: N/A
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Benjamin Hasty President	489 Emerys Bridge Road South Berwick, ME 03908	6/2/84	50%
Jennifer Fecteau Vice President	489 Emerys Bridge Rd South Berwick ME 03908	8/17/81	50%
	Previous address was for Jennifer: 21 Dismukes St. Kittery ME 03904		

- Is any principal person involved with the entity a law enforcement official?  
 Yes  No
- If Yes to Question 7, please provide the name and law enforcement agency:  
 Name: N/A Agency: N/A

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

10. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: N/A

Date of Conviction: N/A

Offense: N/A

Location of Conviction: N/A

Disposition: N/A

Signature:

Jennifer Rae Fecteau  
Signature of Duly Authorized Person

3-25-14  
Date

Jennifer Fecteau  
Print Name of Duly Authorized Person

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Submit Completed Forms To: Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
164 State House Station  
Augusta, Me 04333-0101  
Telephone Inquiries: (207) 624-7220

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Table with 2 columns: Class Name and Fee Amount. Includes Class I (900.00), Class I-A (1,100.00), Class II (550.00), Class III (220.00), Class IV (220.00), Class V (495.00), Class X (2,200.00), and Class XI (1,500.00). Each class entry includes a list of eligible establishments.

FILING FEE..... \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164. Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS
City/Town (County)

On: \_\_\_\_\_

STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being:            ف Municipal Officers            ف County Commissioners            of the  
ف City    ف Town    ف Plantation    ف Unincorporated Place    of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.

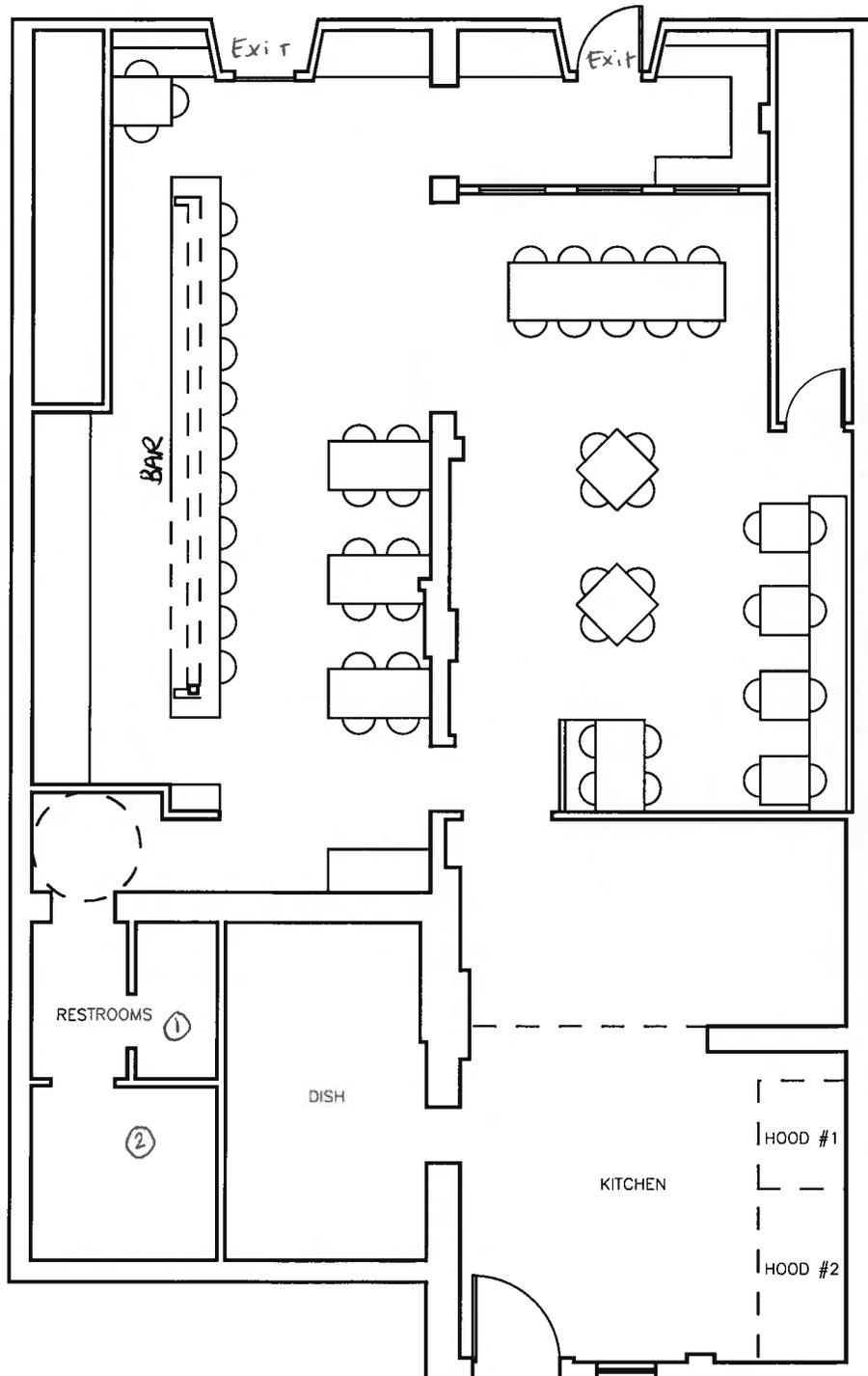
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPROVAL EXPIRERS IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



LOUIS HAMEL DESIGN & BUILD  
THISTLE PIG LAYOUT

SCALE: 1/8" = 1' - 0"  
DATE: 3/25/14



**South Berwick Town Council  
Public Hearing – Budget FY 2015  
April 8, 2014**

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 2015.

The Town Manager stated that projected revenues are \$2,945,881, down by 1.8%. State Revenue Sharing has decreased.

4110 Council: No change. Benefits are \$97.

4115 Town Manager: Up 4.5% (\$5,578). Manager's salary increase. Benefits are \$40,000.

4118 Town Clerk: Up 1.9% (\$1,212). Wages and election expenses. Benefits are \$25,800.

4120 Control Collection: Up 3.9% (\$7,199). Wage increases. Benefits are \$59,300.

4125 Computer: Down .3% (-\$129).

4130 Administration: Up 1.7% (\$2,440). Reduction in legal expense line. Increases in liability insurances, SMRDC dues, & Eastern Trail allocation.

4150 Tax Assessment: Up 3.9% (\$3,762). Wage increase. Benefits are \$37,000.

4160 Code Enforcement: Up 19% (\$1,798). Wage increases for CEO and assist. Wage split- Berwick pays 40%. Benefits are \$21,200.

4170 Planning: Up .8% (\$302). Professional services reduction of \$2000. Benefits are \$5,450.

4172 Historic District Commission: No change.

4175 Zoning Board of Appeals: No change.

4180 Town Hall: Up .4% (\$541). Electricity savings

4185 Community Center: Up .8% (\$592). Change from employed janitor to contract cleaners.

4190 Employee Benefits: Up 7.1% (\$55,670). Major increases to Worker's Comp \$31,700 & Maine State Retirement \$13,500. Benefits include mandatory items such as payroll taxes, as well as insurances, and retirement.

4220 Fire Department: Up 6% (\$9,927). Repair/maintenance to station & safety needs. Benefits are \$24,100.

4227 Emergency Management Services: Up 2.5% (\$143). Benefits are \$825.

4228 Emergency Rescue Services: Down .8% (-\$622).

4229 Water Assessment/Fire Protection: No change.

4230 Police Department: Up 1.6% (\$11,552). No wage increases due to contract negotiations. Benefits are \$263,600.

4231 Animal Control: Up 28% (\$1,846). ACO appointed; increased activity. Benefits are \$525.

4240 Dispatch Center: Up .7% (\$2,450). No wage increases due to contract negotiations. Benefits are \$97,100.

4250 Street Lights: No change.

4310 Highway Department: Up 2.9% (\$20,619). Wage increases. Increased part time winter costs to more realistic number. Benefits are \$124,500.

4315 Public Facilities: Up 1.6% (\$675).

4325 Town Garage: Up 7% (\$1,025). Added LP gas.

4330 Transfer Station: Up 1.1% (\$3,123). Tipping fee increase by 50¢ per ton. Benefits are \$24,700.

4335 Solid Waste Transportation: Up 2.4% (\$2,099). Wage increase – costs split, 33% paid by North Berwick. Benefits are \$19,000.

4410 Recreation Department: Up 8.8% (\$6,099). Added part-time asst. Benefits are 33,700.

4450 Conservation Commission: No change. Also covers subsidy for Mt. Agamenticus Coordinator.

4470 Library: Up 9.8% (\$11,085). Moved Librarian to full time position. Benefits are \$28,400.

4510 Social Services: Down 16.8% (-\$16,342). Reduced general assistance costs by \$10,000. Get 50% reimbursement from State. Benefits are \$2,025.

4530 Social/Civic Service Contributions: Up 3.8% (\$400).

4728-4734 CIP Debt: Reduction of \$7,095 due to maturing loans.

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: Increase of \$33,000; \$20,000 for a Police Station reserve fund and Transfer Station equipment.

The total proposed budget is \$6,223,767.00. As proposed, the budget is under the LD 1 cap by \$15,481 and the municipal tax rate would increase by 35¢. The currently projected school increase is about 39¢.

The hearing was closed at 7:06pm.

Attest:

Barbara Bennett, CCM

## **South Berwick Town Council April 8, 2014**

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 7:08pm. 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. Council 03-25-14: On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to adopt the minutes after changing the word DIVE to DIVA under Mr. Webster's Council Comments.

### **Treasurer's Warrant – Apr 8, 2014**

1. On a motion by Mr. Abell, seconded by Mr. Kareckas, it was unanimously voted to sign the warrant for \$720,266.42.

### **Public Comment**

None

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

-LD 1177: If enacted, would repeal the Abandoned Roads Statute. Towns that have abandoned roads less than 30 years ago would be required to repair and maintain those roads or discontinue them and pay damages to abutters. This would add a significant financial burden on property tax payers. The Senate has resurrected the document and sent it back to the House. The House's initial vote was strongly opposed to the bill. Hopefully it will not pass the second round.

-We are moving ahead, along with Marty Parent, with the land sale to the Great Works Regional Land Trust.

-Reminded everyone of the meeting on Wednesday morning at 8:00am with the school board.

-He received over 50 applications for the executive assistant position. He has hired Rhonda Pepper for 25 hours per week.

-Avesta Housing has received state funding for the senior housing project. We should be looking at a closing in October or November with construction next year.

### **New Business**

1. On a motion by Mr. Kareckas, seconded by Mr. Webster, it was unanimously voted to hold a public hearing on April 22, 2014 at 6:45pm to receive comments on the application for a new liquor license for Thistle Pig Restaurant.

### **Council Member Comments**

1. Mr. Webster:

-Commented that the weather is finally helping with the road conditions.

-Thanked the Council for its support of the Community Chorus.

2. Mrs. Demetracopoulos:

-Thanked the Manager and staff for a smooth budget season.

-Gave kudos for not exceeding the winter maintenance budget.

3. Mr. Abell:

-Thanked the Manager and staff for a smooth budget process.

-Stated that he will be on a family vacation and will not be present for the next Council meeting.

4. Mr. Kareckas:

- Thanked the Manager and staff for their work on the budget.
- Commented on the resurrected LD 1177. The legislation involving abandoned and discontinued roads is very He added that 4 of the 5 Senators from York County voted in favor. He suggested that everyone contact their Senator (ours is Senator Hill) and express their concerns.
- Commented that the new church is beautiful and Mr. Webster was in good voice for the Community Chorus concert.
- Gave a shout out to the Marshwood Wrestlers; four have made it to the Nationals.

5. Mr. MacPherson:

- Reminded everyone of the annual Vine Street Cemetery clean up on April 19<sup>th</sup>. There should be a little less work this year because the high school seniors raked the rear portion of the cemetery.
- Informed everyone that the Cemetery Association has received a large private donation to repair headstones, fix fences, etc in private cemeteries.

**Adjournment**

On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 7:30pm.

Attested:

Barbara Bennett, CCM

Draft

TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00034604	132275 MAINE REVENUE SERVICES	04/22/2014	1,070.03
00034605	132500 SECRETARY OF STATE M/V	04/22/2014	12,664.85
00034606	011495 ATLANTIC RECYCLING EQUIP LLC	04/22/2014	440.44
00034607	231320 GH BERLIN WINDWARD	04/22/2014	4,554.92
00034608	021375 H T BERRY COMPANY INC	04/22/2014	317.38
00034609	022850 BUSINESS EQUIPMENT UNLIMITED	04/22/2014	260.50
00034610	021668 BLOW BROS	04/22/2014	56.63
00034611	030530 CENTRAL TIRE CO INC	04/22/2014	3,670.68
00034612	030510 CENTRAL MAINE POWER	04/22/2014	3,688.75
00034613	030920 CLEAN-O-RAMA	04/22/2014	44.78
00034614	031350 COLLINS SHEET METAL INC.	04/22/2014	20.00
00034615	040130 BOB DEARBORN	04/22/2014	40.00
00034616	032710 D.J.'S MUNICIPAL SUPPLY	04/22/2014	783.63
00034617	060260 FASTENAL COMPANY	04/22/2014	12.59
00034618	060300 FAVORITE FOODS INC	04/22/2014	598.46
00034619	060750 FIRE TECH & SAFETY	04/22/2014	61.62
00034620	061500 FOSTER'S DAILY DEMOCRAT	04/22/2014	115.40
00034621	010525 G&K SERVICES	04/22/2014	764.52
00034622	070200 P GAGNON & SON INC	04/22/2014	1,015.60
00034623	070600 GEORGE GORMAN	04/22/2014	396.41
00034624	070800 W.W.GRAINGER INC.	04/22/2014	11.65
00034625	191330 HANNAFORD'S	04/22/2014	138.50
00034626	080248 HANSCOM'S TRUCK STOP INC	04/22/2014	10,346.68
00034627	081305 HARRISON SHRADER ENTERPRISES	04/22/2014	552.79
00034628	080450 HARVARD PILGRIM HEALTH CARE	04/22/2014	23,483.64
00034629	080500 BEVERLY HASTY	04/22/2014	54.99
00034630	090460 INTERSTATE BATTERY/MAINE	04/22/2014	111.13
00034631	090472 INTERSTATE GLASS	04/22/2014	289.00
00034632	090138 INVOICE CLOUD	04/22/2014	50.00
00034633	100150 JANETOS MARKET	04/22/2014	51.74
00034634	100870 KENNEBUNK SAVINGS BANK	04/22/2014	57,593.83
00034635	022700 KOFIE PRESERVATION	04/22/2014	290.00
00034636	141367 KONE INC	04/22/2014	206.38
00034637	071170 M W GRENIER ENTERPRISES LLC	04/22/2014	28.99
00034638	133195 MAINE TURNPIKE AUTHORITY	04/22/2014	36.20
00034639	133358 W.B.MASON	04/22/2014	28.88
00034640	132200 MAINE FIRE CHIEFS ASSOC.	04/22/2014	174.00
00034641	133795 MICK BODYWORKS	04/22/2014	113.34
00034642	134300 MAINE MUNICIPAL EMPLOYEES	04/22/2014	3,731.62
00034643	134601 EXXON/MOBIL	04/22/2014	465.96
00034644	135210 ERIC MUNDELL	04/22/2014	253.82
00034645	140510 NATIONAL SEMINARS TRAINING	04/22/2014	179.00
00034646	141368 NORTHEAST EMER APPARATUS	04/22/2014	22.89
00034647	141418 NORTHERN SAFETY & INDUSTRIAL	04/22/2014	310.79
00034648	141400 NORTHERN DATA SYSTEMS INC	04/22/2014	140.00
00034649	133378 NORTON STREET NRLP	04/22/2014	1,190.00
00034650	150200 OLD BERWICK HISTORICAL SOCIETY	04/22/2014	1,764.00
00034651	200700 PIKE INDUSTRIES INC	04/22/2014	2,863.75
00034652	160320 PINE TREE WASTE INC	04/22/2014	990.28
00034653	160692 POLAND SPRING	04/22/2014	87.47
00034654	161265 PORTSMOUTH FORD	04/22/2014	126.19
00034655	170000 QUILL CORPORATION	04/22/2014	53.99
00034656	180400 RED'S SHOE BARN INC	04/22/2014	247.49
00034657	181570 CHRISTOPHER M ROYCE	04/22/2014	825.00
00034658	132500 SECRETARY OF STATE M/V	04/22/2014	14,010.49
00034659	191753 FOREST SMITH	04/22/2014	675.00



TOWN OF SOUTH BERWICK  
WARRANT  
2014/2015

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 20th of May 2014, 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, 2014 and one-half due on March 31, 2015.

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	\$ 746,779
W-18	Animal Control	8,430
to	Dispatch Center	330,252
W-19	Total	\$1,085,461

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation  
and other revenue sources \$1,085,461

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

page	Fire Department	\$ 175,315
W-17	Emergency Management Services	5,875
	Water Assessment/Fire Protection	299,735
	Total	\$ 480,925

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation  
and other revenue sources \$ 480,925

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

pages	Town Hall	\$ 75,565
W-15	Community Center	73,070
to	Highway	723,640
W-16	Public Facilities	42,575
and	Town Garage	15,745
W-20	Transfer Station	287,303
through	Solid Waste Transportation	88,521
W-22	Total	\$ 1,306,419

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation  
and other revenue sources \$ 1,306,419

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-26	Total	\$ 600,000

TOWN COUNCIL RECOMMENDS:

Appropriate from DOT Highway Block Grant	\$ 70,280
and	
Appropriate from Undesignated Fund Transfer	280,000
and	
Raise and appropriate from general taxation and other revenue sources	\$ 249,720

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-12	Town Manager	129,500
through	Control/Collection	207,375
W-14	Computer	40,150
and	Administration	148,790
W-16	Tax Assessment	100,607
and	Employee Benefits	845,120
W-19	Street Lights	43,000
and	Compensated Absence Reserve	30,000
W-26	Total	\$ 1,550,342

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 1,550,342
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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	\$ 74,741
W-25	Young Street Debt	53,255
	2010 CIP Debt	54,417
	Library Construction Debt	144,625
	Total	\$ 327,038

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 327,038
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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	\$ 66,151
W-12	Total	\$ 66,151

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 66,151
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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:

pages	Code Enforcement	\$ 54,053
W-14	Planning	39,526
to	Historic District Commission	250
W-15	Zoning Board of Appeals	160
	Total	\$ 93,989

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 93,989
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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	\$ 80,860
W-24	Social/Civic Contributions	10,923
and	Emergency/Rescue Services	81,986
W-17	Total	\$ 173,769

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 173,769
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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:

pages	Recreation	\$ 75,042
W-22	Conservation Commission	4,845
to	Total	\$ 79,887
W-23		

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 79,887
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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	\$ 123,786
W-23	Total	\$ 123,786

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 123,786
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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:

pages	Highway Equipment	\$ 100,000
W-26	Office Equipment	16,000
to	Fire Equipment	80,000
W-28	Police Equipment	40,000
	Transfer Station	15,000
	Municipal Facilities	15,000
	Shorey's Bridge	50,000
	Total	\$ 316,000

TOWN COUNCIL RECOMMENDS:

Appropriate from Undesignated Fund Balance	\$ 170,000
and	
Raise and appropriate from general taxation and other revenue sources	\$ 146,000

ARTICLE 22. To see if the Town will vote to raise and appropriate the following amount for Capital Improvements – Police Station Reserve:

page	Police Station Reserve	\$ 20,000
W-26	Total	\$ 20,000

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 20,000
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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	\$ 1,055,000
W-8	Non-Tax General Fund Revenues	731,558
to	State Revenue Sharing	345,643
W-9	State Revenue Sharing Residual	141,400
	Homestead Exemption Reimbursement	140,000
	BETE Reimbursement	12,000
	Total	\$ 2,425,601

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 24. To see if the Town will vote to increase the property tax levy limit of \$ 3,293,367 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 22nd day of April 2014 A.D.

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

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Jean Demetracopoulos

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

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

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

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

<b>Meeting Date:</b> April 22, 2014	<b>Agenda Item NB #2</b>
<b>Agenda Item:</b> Liquor License renewal for Thistle Pig Restaurant	
<b>Department Head Recommendation:</b>	
This is a request to renew a liquor license for Thistle Pig Restaurant.	
<b>Town Manager's Recommendation</b>	
<b>Requested Action</b>	
Motion and vote to approve the liquor license for Thistle Pig Restaurant.	
<b>Vote</b>	



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

<b>Meeting Date: April 22, 2014</b>	<b>NB Item #4</b>
<b>Agenda Item: Resolution for payment from FEMA for an “Ice Storms” dated December 21, 2013 to January 01, 2014</b>	
<b>Department Head Recommendation: Perry Ellsworth</b>	
Towns across the state are banding together through these resolutions to encourage payments from FEMA paid as they have been paid in the past.	
<b>Town Manager’s Recommendation</b>	
Sign resolution and forward to the Governor and MEMA. Share with other Towns through the TM List-serve	
<b>Requested Action : Sign resolution</b>	
<b>Vote</b>	



**A  
RESOLUTION  
Of The  
TOWN COUNCIL  
Town of South Berwick, Maine**

**WHEREAS**, The Town of South Berwick in the County of York in the State of Maine has been recognized by representatives of the York Emergency Management Agency and Maine Emergency Management Agency MEMA as having experienced extraordinary costly ice storm impacts to its road infrastructure as the result of the unabated winter storms that occurred during the period of December 21<sup>st</sup>, 2013 thru January 1st 2014 And,

**WHEREAS** Governor LePage of the State of Maine submitted a request for disaster assistance to the Federal Emergency Management Agency FEMA that would serve to support municipal and state depleted winter maintenance funding for emergency winter road maintenance and repair And,

**WHEREAS** The Federal Emergency Management Agency FEMA denied said request after designating road treatment costs as ineligible based on FEMA Snow Assistance and Severe Winter Storm Policy 9523.1 that excludes sand, salt and snow and ice road treatment expenditures, unless there is record or near-record snowfall And,

**WHEREAS** The FEMA definition of a severe winter storm means an event that occurs during the winter season and includes one or more of the following conditions: snow, ice, high winds, blizzard conditions and other wintry conditions and that causes substantial physical damages or loss to property where Municipal and State governments demonstrate that the capabilities to effectively respond to the event are or will be exceeded And,

**WHEREAS** the Town disagrees with FEMA's interpretation of this policy application of Policy 9523.1 to ice storms and advocates for an "ice storm" policy addendum, and that this policy is to be effective for the requested dates December 21, 2013 thru January 1, 2014 And,

**WHEREAS** the original, understandable intent of FEMA Policy 9523.1 is that northern States such as Maine which are equipped for and budget for winter snowstorms should have to meet a very high standard to have a snowstorm qualify as a disaster. However, an ice storm with prolonged power outages in freezing conditions poses a more extreme threat to public safety in a northern than in a southern state where temperatures are likely to quickly moderate. Therefore the application of Policy 9523.1 to ice storms has unintended negative consequences for northern states And,

**WHEREAS** FEMA policy in other types of disasters, such as floods or hurricanes, is that maintenance of all roads during and after the event for the purpose of emergency vehicle access is eligible for disaster assistance. In freezing temperatures, roads must be treated with sand and salt in order to carry out the emergency function of power restoration. Therefore Policy 9523.1 is actually in conflict with other FEMA policies.

**BE IT THEREFORE RESOLVED** that the South Berwick Town Council expresses its great support for the Maine Emergency Management Agency, MEMA in its advocacy for an amendment to the FEMA storm policy.

**BE IT FURTHER RESOLVED** That the South Berwick Town Council will exercise its appointed authority to engage other Maine municipalities in a united effort to bring national attention to the extent necessary and put on notice, our Congressional representatives that the ice storm damage experienced in these communities are very real and are worthy of their support and attention.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the Town of South Berwick, Maine to be affixed at South Berwick, Maine this 22nd day of April, 2014.

Town Council, South Berwick Maine

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Gerald W. MacPherson, Sr., Chairman

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David H. Webster

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Jean Demetracopoulos

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John C. Kareckas

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Russell H. Abell





STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

Paul R. LePage  
GOVERNOR

David Bernhardt  
COMMISSIONER

Barbara Bennett, Clerk  
Town of South Berwick  
180 Main St.  
South Berwick, ME 03908-1508

Subject: Dover and Dover Eliot Road Culvert Replacements  
Project No: 019118.00 & 019262.00  
Town of Eliot & South Berwick

Dear Ms. Bennett:

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

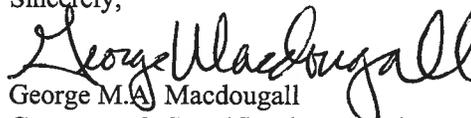
The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

  
George M. Macdougall  
Contracts & Specifications Engineer  
Bureau of Project Development

Return this AGREEMENT, when completed, to:

Maine Department of Transportation  
ATTN.: George Macdougall, Contracts & Specifications Engineer  
#16 State House Station, Child Street  
Augusta, Maine 04333-0016

Project: 019118.00 & 019262.00  
Location: Dover road over Shoreys Brook and  
Dover Eliot road over Quampegan Brook

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of South Berwick** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to haul non-divisible overlimit loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overlimit loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

**TOWN OF SOUTH BERWICK**  
By the Municipal Officials

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