

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 130-13 Vehicles over certain weights excluded.

Vehicles in excess of the weights indicated shall be excluded from the following streets or parts of streets, except for the pickup/delivery of materials on such streets:

Name of Street	Weight Limit	Location
Belle Marsh Road [Repealed 10-22-2013]		
Belle Marsh Road [Added 4-13-2010]	23,000 pounds	South to the York Town line
Boyd's Corner Road [Added 4-13-2010]	23,000 pounds	East from the North Berwick Town line to Ogunquit Road
Brattle Street [Added 4-13-2010]	23,000 pounds	
Finson Road [Added 4-13-2010]	23,000 pounds	To the Wells Town line
Great Hill Road [Repealed 10-22-2013]		
Knight's Pond Road [Repealed 10-22-2013]		
Lords Lane [Added 4-13-2010]	23,000 pounds	
Ogunquit Road [Added 4-13-2010]	23,000 pounds	East to the York Town line
Oldfields Road	10 tons	Shorey Bridge
Old South Road [Added 4-13-2010]	23,000 pounds	
Pine Street [Added 4-13-2010]	23,000 pounds	
Rodier Road [Repealed 10-22-2013]		
Liberty Street	23,000 pounds	

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§ 130-8 Prohibited turns at intersections.

[Amended 10-10-2006]

No person shall make a turn of the kind indicated (right, left, all) at any of the locations described:

Name of Street	Direction of Travel	Prohibited Turn	Hours	Intersection
Main Street	Northwesterly	Left	All	From Dunkin Donuts parking lot
Paul Street	Southwesterly	Left	All	Main Street
Central School	Outwardly	Left	All	Main Street

TOWN OF SOUTH BERWICK
TOWN MEETING
MAY 21, 2024

Pursuant to the foregoing warrant, the inhabitants of the Town of South Berwick, qualified to vote in Town affairs, assembled at the Town Hall on Tuesday, May 21, 2024 and transacted the following business. The meeting was called to order at 6:50pm by the Town Clerk.

Council members present included Chair Mallory Cook, Vice Chair John James, Jeffrey Minihan, Jessica Cyr, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance. There were approximately 150 voters present.

ARTICLE 1: Mark Lawrence was nominated as moderator, received three votes of three votes cast, was elected and duly sworn by the Clerk.

Mr. Lawrence stated we would be using the Maine Moderators Manual and explained the process and methods for voting.

ARTICLE 2: Mallory Cook made a motion to 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. Jessica Cyr seconded the motion.

No discussion. Article 2 passed unanimously.

ARTICLE 3: Jessica Cyr made a motion to authorize the Tax Collector to charge and collect interest at a rate of eight and one-half (8.5) percent per annum on all unpaid taxes not paid by the due dates, with one-half of the taxes due on September 30, 2024 and one-half due on March 31, 2025. John James seconded the motion.

No discussion. Article 3 passed unanimously.

ARTICLE 4: John James made a motion 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. Jeffrey Minihan seconded the motion.

No discussion. Article 4 passed unanimously.

ARTICLE 5: Jeffrey Minihan made a motion 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. Melissa Costella seconded the motion.

No discussion. Article 5 passed unanimously.

ARTICLE 6: Melissa Costella made a motion to set the rate of interest paid on over-payment of taxes due to abatement at four and a quarter (4.25) percent per annum as allowed per MRSA 36 §506A. Mallory Cook seconded the motion.

No discussion. Article 6 passed unanimously.

ARTICLE 7: Mallory Cook made a motion to appropriate from the Undesignated Fund for the payment of property tax abatements (and applicable interest) granted during this fiscal year. Jessica Cyr seconded the motion.

No discussion. Article 7 passed unanimously.

ARTICLE 8: Jessica Cyr made a motion to authorize the deposit of all proceeds from the Parking Lease Agreement between the Town and Avesta Young Street LP, dated December 12, 2014, and December 22, 2015, into a non-lapsing designated reserve account and to appropriate and expend those funds to pay the costs associated with the repair and maintenance of said parking lot. John James seconded the motion.

Jerome Bshara, Earls Rd, asked who owns the lot and how much do we collect per year? Jennifer Janelle explained that the lot is owned by the Town and we collect approximately \$53,000 a year that goes into a reserve account to cover maintenance costs.

Article 8 passed unanimously.

ARTICLE 9: John James made a motion to allow the Town Council to utilize funds from the TIF Account for the purposes denoted in the Final TIF Agreements approved in 2023. Jeffrey Minihan seconded the motion.

Bob Johnson, Berwick Rd, asked to define TIF. Tim Pellerin explained TIF is an acronym for Tax Increment Financing. Article 9 passed unanimously.

ARTICLE 10: Jeffrey Minihan made a motion to raise and appropriate \$1,650,972 from general taxation and other revenue sources for Police Services. Melissa Costella seconded the motion.

Jerome Bshara, Earls Rd, asked why this budget shows an increase of about 16.6%. Mallory Cook explained that the increase is primarily due to the approved 2 additional full-time officers and the benefits.

Article 10 passed unanimously.

ARTICLE 11: Melissa Costella made a motion to raise and appropriate \$917,671 from general taxation and other revenue sources for Emergency Services. Mallory Cook seconded the motion.

Jerome Bshara, Earls Rd, asked why this budget shows many large increases. Mallory Cook explained that the increases are primarily due to the new contract for rescue services; the increases are out of our control and the services are important. There was a rate increase with water services. The fire chief's position went from part time to full time.

Article 11 passed unanimously.

ARTICLE 12: Mallory Cook made a motion to raise and appropriate \$2,063,937 from general taxation and other revenue Sources for Public Works. Jessica Cyr seconded the motion.

Tamre Steinhauer, Hill Dr, asked if we are closer to deciding whether to continue the transfer station or convert to single stream. Mallory Cook explained the project is still being researched and we will continue use of the transfer station.

Richard Lusenhop, Hill Dr, asked why the food pantry item line so low? John James explained the pantry is mostly ran by donations and the town covers the cost of sewer for the building per contract.

Rob Bernier, Mountain Rd, asked how does the town hall item line go along with the current Town Hall Project; is it for maintenance? Mallory Cook explained that this will always be a line item for the ongoing maintenance of the building.

Article 12 passed unanimously.

ARTICLE 13: Jessica Cyr made a motion to appropriate \$99,800 from DOT Highway Block Grant (URIP/LRAP) and raise and appropriate \$558,200 from general taxation and other revenue sources, a total of \$658,000, Capital Improvements – Roads and Road Bond Debt. John James seconded the motion.

No discussion. Article 13 passed unanimously.

ARTICLE 14: John James made a motion to appropriate \$900,000 from the Undesignated General Fund and to raise and appropriate \$1,869,710 from general taxation and other revenue sources, a total of \$2,769,710, for General Government. Jeffrey Minihan Seconded the motion.

Jerome Bshara, Earls Rd, asked if we could raise the proposed \$900,000 figure, Mallory Cook explained that we are required to maintain at least \$3.3 million in the account to cover the monthly costs from the school and stay in balance.

Jerome Bshara, Earls Rd, asked if he could make a motion to increase the amount. It was explained that during this type of meeting you may only vote to decrease the amount, not increase. To give input and possibly change the amounts to be voted on you would need to be a part of the budget proceedings prior to Town Meeting.

Debbie Garrett, Paul St, asked if the Town Manager item line was salary and benefits for one person. Mallory Cook explained it's not one person's salary and that it includes his staff, travel expenses, training expenses, phone, expense, fuel. Debbie followed up asking if that is the same reasoning for the Town Clerk. Mallory Cook confirmed that is correct.

Steve Einstein, Front St, asked about the undesignated fund balance buffer and if the town has a tax overlay account as well to cover costs not covered by taxes. Mallory Cook explained they do have a tax overlay account and doesn't come into play until August when the mil rate is set and doesn't affect our budget at this point in the process. Steve followed up with are you using the overlay account to cover shortfalls? Mallory explained that the overlay is

used to cover tax abatements every year. Jennifer Janelle further explained that the overlay account is funded by the undesignated fund account after the mil rate is set in August. Tim Pellerin added that the overlay account is strictly used for abatements only and not used on any expense items within the budget. That is what the undesignated fund account is for and it needs to be approved by the voters. We use baseline budgeting not per line-item budgeting, which allows us to flex with expenses.

Rob Harper, Tamarack Dr, asked if we increased the amount appropriated from undesignated fund could we then decrease the general taxation and other revenue services amount to offset the amounts. Moderator Mark Lawrence referred to the guide to Town Meeting explaining that we can't increase the numbers presented because they are capped amounts, the warrant has an exact sum and may not go higher.

Tiffany Roberts, Buttonwood Rd, asked to clarify capped amounts; Just to raise, just to appropriate, or to raise and appropriate is capped? Moderator Mark Lawrence confirmed that is correct.

Jerome Bshara, Earls Rd, asked why the tax assessment line increased by about \$25,000. Mallory Cook explained the \$25,000 was allocated to a full-time assistant.

Article 14 passed unanimously.

ARTICLE 15: Jeffrey Minihan made a motion to raise and appropriate \$526,727 from taxation and general revenue sources for Debt Service. Melissa Costella seconded the motion.

Elita Galvin, Beaver Dam Rd, asked what is the Young St debt? Jennifer Janelle explained it's for the Library.

Tamre Steinhauer, Hill Dr, asked how much longer we will have the Library Construction Debt. Jennifer Janelle explained that the last Young Street debt payment will be in November of 2027; fiscal year 2028 and the last Library Construction debt payment will be in November of 2025; fiscal year 2026.

Article 15 passed unanimously.

ARTICLE 16: Melissa Costella made a motion to raise and appropriate \$195,845 from general taxation and other revenue sources for Code Enforcement and Health Department. Mallory Cook seconded the motion.

No discussion. Article 16 passed unanimously.

ARTICLE 17: Mallory Cook made a motion to raise and appropriate \$481,065 from general taxation and other revenue sources for Public Welfare. Jessica Cyr seconded the motion.

Jerome Bshara, Earls Rd, questioned the 15% increase for the Library. Mallory Cook explained that most of the increase is due to increasing hours being post covid and that includes the 3.3% cost of living increase.

Article 17 passed.

ARTICLE 18: Jessica Cyr made a motion to raise and appropriate \$582,275 from general taxation and other revenue sources for Capital Improvements - Reserves. John James seconded the motion.

Jenna Leonard, Main St, asked if the Town Clerk Record Preservation line item was used to update voter rolls. John James explained that its used to preserve the Town Records dating back 100+ years. Tyanne Giambusso added that the preservation of records is for vitals and meeting records. Jenna followed up asking if any budget line item is used for voter roll updates. John James answered that there is no item line for voter roll updates.

Article 18 passed unanimously.

ARTICLE 19: John James made a motion to apply the following amounts from Excise Taxes \$1,445,000, Non-Tax General Fund Revenues \$1,604,489, Revenue Sharing \$1,255,000, BETE Reimbursement \$13,000 and Homestead Exemption Reimbursement \$450,000 Totaling \$4,767,489 to use toward the 2024/2025 Budget Appropriations, thereby decreasing the amount to be raised by taxation. Jeffrey Minihan seconded the motion.

Debbie Garrett, Paul St, asked what is BETE. Tim Pellerin asked for Verna Sharpe, Assessing Agent to explain. Verna explained that BETE stands for Business Equipment Tax Exemption. The state will reimburse the Town a percentage of the revenue lost due to BETE on items accepted. Debbie followed up with asking if we already have these funds or are they anticipated? Tim Pellerin answered that the funds are anticipated.

Article 19 passed unanimously.

ARTICLE 20: Mallory Cook made a motion to appropriate up to \$200,000 from the Undesignated Fund to the Great Works Regional Land Trust to support public access to the Salmon Falls Tidal Water property on Oldfields Road. The Town's funds will be used for stewardship startup costs related to the Salmon Falls Tidal Waters project to include developing a management plan, engineer and construct a parking area, trails, viewing areas, signage, and informational and educational kiosks. The Town Council will review and authorize for such costs submitted by the Great Works Regional Land Trust, within the discretion of the council. This Warrant Article replaces the fall 2022 decision by voters to approve \$250,000 in Undesignated Funds to purchase lands for this project.

Steve Einstein, Front St, asked what is the projection of undesignated fund balance at the end of the year. Mallory Cook explained that we are expecting to deposit an estimated \$700,000 back into the account, bringing the balance to about \$8.2 million. Steve followed up with asking if the purpose of the undesignated fund is to overcharge individual departments and items to have the balance at a sufficient amount to use again the following year. Mallory Cook explained that its not the purpose of the account but the approach the council has been taking that past few years to help with tax burdens.

Audrey Fortier, Rodier Rd, stated this article is like a blank check and there is nothing saying where the \$200,000 is going exactly. John James explained that he asked for the language presented for the council to be able approve the projects the funds are being used up to \$200,000.

John Costella, Boyds Corner Rd, asked if the land was finalized in purchase. Mallory Cook asked for Tin Smith, Vice President of Great Works Regional Land Trust to answer. Tin explained that 1 parcel of land was finalized January 10th, 2024 and the other 2 parcels are awaiting grant funds to finalize this summer.

Shelly Landry, Fifes Ln, asked if the warrant article fails what happens to the land. Mallory Cook explained the land will still be acquired and the project would continue but with a gap in stewardship. Tin confirmed that is accurate.

Debbie Garrett, Paul St, asked if there is an agreement from the previous landowners stating you must do the stewardship on the land. Tin explained there is no agreement they would still have the land but would need to raise the funds needed in another way delaying project plans. Debbie followed up asking if we could table the vote. Mallory Cook explained that we can't table it. The reason the article question is being voted on today was due to the timeline for the grants.

It was further explained, the original amount of \$250,000 previously approved by the voters to purchase land wasn't used for the purchase due to the donation hence bringing the decision back to the voters for approval. The council voted 4-1 to direct the question to the voters at Town Meeting.

Tiffany Roberts, Buttonwood Rd, asked if other municipalities contribute to stewardship, and what does South Berwick contribute. Tin explained that all 6 municipalities contribute and South Berwick has contributed 25,000 and a piece of property that is now used for parking.

Mike Lassel, Paul St, asked if federal grant funds are contingent upon getting South Berwick to contribute. Tin explained that there has been town support but it is not required.

Rheinhold Holton, Emerys Bridge Rd, has money been appropriated in the past to GWRLT for uses besides purchasing. Tin answered no, GWRLT has only received the \$25,000 for a purchase and a land donation.

Catherine Allen, York Woods Rd, asked if this article is asking for 80% of what was approved in 2022. Mallory Cook explained that the language used in 2022 was specific and where the land was donated it made the original vote null and void. The \$250,000 was never dispensed. Since the use of funds has changed, it was decided as a council to bring the question back to the voters.

Rob Bernier, Mountain Rd, explained that when we voted on it originally it wasn't to develop the land but to purchase it for conservation purposes. We should stay off the property.

Tamre Steinhauer, Hill Dr, explained she has attended previous meetings regarding the request of \$200,000 from GWRLT but never gave any timelines, or a plan of action to now find out that they haven't fully acquired the properties. There needs to be some accountability held.

Jerome Bshara, Earls Rd, stated that GWRLT is a great asset to the community and is shocked by the debate of such a low number compared to the others presented.

Patricia English, Academy St, expressed that the project at hand will help connect the trail system, and bring more people to town. This is a bang for our buck.

Kyle Holton, Emerys Bridge Rd, expressed that there are people upset with how Agamenticus was developed with kiosks and other upgrades and that we don't need this in town "the land isn't going anywhere" and asks to wait on a more distinctive plan before moving forward.

Carl Pehrsson, Emerys Bridge Rd, expressed that the sentence within the article explains where the money is coming from "The Town Council will review and authorize for such costs submitted by the Great Works Regional Land Trust, within the discretion of the council"

Article 20 passed unanimously

ARTICLE 21: Jeffrey Minihan made a motion to increase the property tax levy limit of \$5,854,945 established for the Town 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 tax levy limit. Melissa Costella seconded the motion.

The Moderator explained that based on the prior votes, Article 20 is not necessary. Motions must be made in the affirmative, so we have a motion and a second, but in this case, we want to vote the article down.

Article 21 was voted on and failed unanimously.

ARTICLE 22: On a motion by John James, seconded by Jessica Cyr, it was unanimously voted to adjourn the meeting at 8:37pm.

Tyanne Giambusso
Town Clerk

**South Berwick
Town Council Meeting
May 28, 2024**

Chair Mallory Cook called the meeting to order at 6:30pm. Councilors present included Vice Chair John James, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance. Jessica Cyr was not in attendance

Approval of Minutes

1. Town Council 5-14-2024: On a motion by Vice Chair James, seconded by Chair Cook, it was voted 3-0 with 1 abstained to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Vice Chair James, seconded by Councilor Costella, it was voted 4-0 to sign the warrant dated May 23, 2024 in the amount of \$324,617.48.

Reports & Presentations

1. Peter McGovern from Oak Point presented to the council that he and his team are now at a phase where a workshop is needing to be scheduled to discuss a repurpose building plan.

Unfinished Business

1. On a motion by Chair Cook, seconded by Vice Chair James, it was voted 4-0 to nominate VFW Post 5744 of South Berwick for the 2024 Spirit of America Award to be presented at Annual Town Meeting in May of 2025.

2. On a motion by Chair Cook, seconded by Vice Chair James, it was voted 4-0 to hold a Public Hearing on June 25, 2024 at 6:30pm located at Town Hall to receive resident input on the Update of Vehicle Traffic Ordinance 130-8 & 130-13

New Business

1. On a motion by Chair Cook, seconded by Councilor Costella, it was voted 4-0 to order the temporary closing of Liberty to heavy vehicles in excess of 23,000 pounds, from June 1, 2024 – August 31, 2024 due to safety issues raised by the increase of commercial traffic pursuant to Section 130-29(B)(1) of the Vehicles and Traffic Ordinance.

2. On a motion by Chair Cook, seconded by Vice Chair James, it was voted 4-0 to schedule a workshop with Oak Point Associates for the Town Hall Project, on Tuesday June 11th, at the Police Department meeting room at 6pm.

Town Manager's Report

- **Public Works:** June 3rd will start work on Hooper Sands Rd. Job should take 2 weeks to complete. June 17th will start on the deck for Belle Marsh Bridge. Job should take 2 weeks to complete. Thurrell Road work is on hold while waiting for power and utility lines.

- **Police Department:** 13 Accidents, 3 Arrests, and 52 Traffic Stops. York County Sheriff's Office and the Maine State Police had a motor vehicle grant and partook in a lot of stops from the Rollinsford line to the Sanford traffic circle corridor. PD has posted 2 new full-time positions.

- **Fire Department:** 2 Fire Alarm, 1 Gas Leak/Odor, 3 Mutual Aid, 7 Medical Assist, 2 Vehicle Accidents, and 1 Assist a Citizen. Period 16 Total YTD 206. Chief Hamel took the Certified Fire Inspector 1 certification class last week hosted by York County EMA in Alfred. The Fire 1 & 2 Class has completed most of the classroom portion of the course and is moving outside to begin hands-on training.

- **Code Enforcement:** Code- 3 Building Permits, 6 Plumbing Permits, 2 Active Violations, 1 investigation on a potential violation, 15 Inspections, and 11 In-Office Meetings. Re-addressing of roads is currently happening. If residents don't receive a letter, no changes need to be made.

- **Planning:** Planning- June 5th Major Home Occupation- Automotive Service. Public Hearing for FEMA Floodplain. Historic Commission- Signs are in waiting on hardware to install.

- **Library:** Sophia, the new library page was hired last week and will start July 1st. Lee says she is great and is excited for her to start. June 12th at 1pm Summer Reading kick-off will start.

- **Recreation/Senior Center:** The last of our after-school youth programs are wrapping up either this week or next. All the afterschool programs have been very successful this year and we look forward to planning for next. Adult yoga, chair yoga, and gentle stretching classes are all continuing through the summer months. The seniors enjoyed a Ricky Nelson tribute trip in Danvers last week. The Memorial Day luncheon is Wednesday, the 29th and expect 80 – 90 people. Hired 5 new counselors for camp this summer. Strawberry Run-Race bibs and t-shirts have been ordered. Working on awards and food. Preparing for our Maine Municipal safety inspection this Thursday, May 30th.

- **Assessing:** Working on finishing the data entering of the permit pass. Still have some stragglers to visit. Sale review will begin after the permit pass data entry is complete. We will be looking at sales that occurred since July 1, 2022, up until now. Values will be updated as per State requirements. Personal property is being valued and BETE applications are being reviewed. KRT staff has resumed data collection in South Berwick from being pulled for the permit pass in other communities. They are still working in the downtown area and are working on Friday's now. Postcards have been sent to 749 properties, with 2,640 left to do. The next round of postcards will go out sometime in June and will be properties in the southern portion of the Town.

- **Town Clerk:** Tyanne and Briella attended Moses training (which is for hunting, fishing, and ATV registrations) last Thursday. Customer Service position posted.

- **Transfer Station:** Hauled away 2 loads of leaves and debris

- **Economic Development:** The Downtown Revitalization Workshop on May 16th was well attended and citizens have prioritized projects in each of the categories. The next meeting will be held on Monday June 3rd at 6pm at Town Hall.

- **Assistant Town Manager/Finance/HR/EMA:** 12 business meetings and 28 staff meetings in the last 2 weeks ADP went live this week There is a bit of work to be done to fix a few kinks. FEMA- Met with Civil Consultants and Hussey to review the repair to the road and sides of river. 66 possible liens for those who don't pay taxes by June 6th working on inputting the new budget into the software. Working with SMPDC on a grant for \$50K+ for Green and Energy Efficiency upgrades. Thinking about EV Charging Stations for the Town, Counting House Museum is in need of new windows, Solar Panels at the PD are some of the ideas. There will be a Public Hearing for the community to be able to vote on the options in september.

- **Town Manager:** 10 business meetings 25 staff meetings I received 4 customer service reviews they were all 5's. Met with 3 citizens one complaint was about the basketball court use and noise. Asked Chief Ruger to have his night patrol keep an eye on the fields from 7pm to midnight as the soccer nets were cut a couple of weeks ago. Working on FY24 budget review. Had a discussion with the superintendent of schools about moving the Town Meeting to the high school auditorium next year due to the crowd volume this year. Per Nick Hamel, Fire Chief, according to updated fire codes the capacity of the auditorium at Town Hall has been decreased to 300 from 400.

Councilor Comments

1. Melissa Costella – Why was Emery's Bridge posted to 22 tons? Tim explained it's a culvert and per the DOT it was posted due to rusting. Why was there an increased police presence mostly Sherrif. Tim explained that under the police department update there was a traffic detail grant for traffic stops.

2. John James: Thank you Tim, Jen, Department Heads, and staff for all work during the budget process. Tyanne you and your staff did a great job checking in all the voters. Mallory thank you for all the work you did as well, everyone did a great job.

3. Mallory Cook: Thank you for everyone's hard work last week.

Executive Session

1. On a motion by Chair Cook, seconded by Vice Chair James, it was voted 4-0 to go into executive session 1 MRSA §405.6A Personnel at 6:57pm.
2. On a motion by Vice Chair James, seconded by Councilor Minihan, it was voted 4-0 to come out of executive session 1 MRSA §405.6A Personnel at 7:05pm.

Adjournment

On a motion by Vice Chair James, seconded by Councilor Minihan, it was voted to adjourn the meeting at 7:06pm.

Attest:

Tyanne Giambusso, Town Clerk

DRAFT

A / P Warrant

South Berwick
12:42 PM

Bank: KENNEBUNK - Operating

06/06/2024
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Type	Check	Amount	Date	Wrnt	Payee
P	48470	25,156.86	05/29/24	74	0132 BUREAU OF MOTOR VEHICLES
P	48471	174.84	05/29/24	74	1176 TREASURER STATE OF MAINE
P	48472	55,777.00	05/30/24	74	0256 QUIRK CHEVROLET
R	48473	6,527.00	06/06/24	74	1380 10-8 VIDEO LLC
R	48474	1,737.63	06/06/24	74	0891 2-Way Communications Services, Inc.
R	48475	5,286.00	06/06/24	74	0478 AAA POLICE SUPPLY
R	48476	84.90	06/06/24	74	0042 ADMIRAL FIRE & SAFETY
R	48477	259.65	06/06/24	74	0002 ALLIED EQUIPMENT LLC
R	48478	270.00	06/06/24	74	0200 AMERIFLEX
R	48479	44,661.24	06/06/24	74	0059 ANTHEM BLUE CROSS BLUE SHIELD
R	48480	513.00	06/06/24	74	1325 AT&T MOBILITY
R	48481	604.69	06/06/24	74	0771 ATLANTIC FUELS
R	48482	959.30	06/06/24	74	0351 AXON ENTERPRISE, INC.
R	48483	354.35	06/06/24	74	0054 BAKER & TAYLOR
R	48484	1,848.50	06/06/24	74	0011 BERGERON PROTECTIVE CLOTHING LLC
R	48485	2,697.00	06/06/24	74	0018 BURKE'S TREE SERVICE LLC
R	48486	106.77	06/06/24	74	0062 BUSINESS EQUIPMENT UNLIMITED
R	48487	7,834.03	06/06/24	74	0182 CARD MEMBER SERVICE
R	48488	1,380.07	06/06/24	74	0183 CENTRAL MAINE POWER
R	48489	226.06	06/06/24	74	1026 CHADWICK-BAROSS
R	48490	479.46	06/06/24	74	1158 CINTAS CORP
R	48491	334.51	06/06/24	74	0181 CONSOLIDATED COMMUNICATIONS
R	48492	780.00	06/06/24	74	1206 COYOTE CLUB WILDERNESS EDUCATION
R	48493	112.00	06/06/24	74	0535 D.M. BURNS SECURITY INC.
R	48494	744.24	06/06/24	74	0108 ELIOT SMALL ENGINE REPAIR, INC.
R	48495	200.00	06/06/24	74	0911 FADDEN CUSTOM PEST SERVICES LLC
R	48496	25.00	06/06/24	74	0230 FARWELLS AUTO SERVICE
R	48497	121.50	06/06/24	74	1372 FLORES & ASSOCIATES
R	48498	1,700.00	06/06/24	74	1384 FUSION SOCCER ACADEMY, LLC
R	48499	1,038.64	06/06/24	74	1298 GOODYEAR TIRE & RUBBER CO
R	48500	1,805.06	06/06/24	74	1169 GREAT WORKS INTERNET-GWI
R	48501	2,081.65	06/06/24	74	0387 H.T. BERRY COMPANY, INC.
R	48502	75.00	06/06/24	74	0052 HAMEL, NICHOLAS
R	48503	18,583.08	06/06/24	74	0196 HARRIS COMPUTER SYSTEMS
R	48504	627.99	06/06/24	74	0168 HOME DEPOT CREDIT SVCS
R	48505	120.00	06/06/24	74	1337 HORRIS, MELANIE
R	48506	382.00	06/06/24	74	0975 HUB International New England, LLC
R	48507	860.00	06/06/24	74	0077 HUSSEY EXCAVATION INC
R	48508	120.00	06/06/24	74	0209 HUSSEY SEPTIC
R	48509	477.53	06/06/24	74	1245 INGRAM LIBRARY SERVICES
R	48510	51.45	06/06/24	74	1233 J.M. HAYDEN EQUIPMENT LLC
R	48511	3,141.00	06/06/24	74	1385 JAMAR TECHNOLOGIES, INC
R	48512	75.00	06/06/24	74	0699 JANELLE , JENNIFER
R	48513	721.00	06/06/24	74	1135 KNOX COMPANY
R	48514	748.69	06/06/24	74	0419 LAKES REGION FIRE APPARATUS INC.
R	48515	40.00	06/06/24	74	0523 MAINE ASSOCIATION OF ASSESSING OFFICERS
R	48516	32.78	06/06/24	74	0127 MAINE MUNICIPAL ASSOCIATION
R	48517	752,849.08	06/06/24	74	0129 MAINE SAD 35

A / P Warrant

South Berwick
12:42 PM

Bank: KENNEBUNK - Operating

06/06/2024
Page 2

Type	Check	Amount	Date	Wrnt	Payee
R	48518	75.00	06/06/24	74	1187 MCCABE, JENI
R	48519	155.99	06/06/24	74	0084 MICK BODYWORKS INC
R	48520	925.94	06/06/24	74	1300 NEW ENGLAND KENWORTH
R	48521	3,850.00	06/06/24	74	1146 NEW ENGLAND VEHICLE OUTFITTERS
R	48522	3,992.00	06/06/24	74	1254 NIGHT VISION NETWORK INC
R	48523	657.55	06/06/24	74	0276 NORTH COAST SERVICES
R	48524	189.00	06/06/24	74	1376 OAK GROVE SPRING WATER INC
R	48525	2,044.88	06/06/24	74	0088 P GAGNON & SONS INC
R	48526	75.00	06/06/24	74	1071 PELLERIN, TIMOTHY
R	48527	1,223.75	06/06/24	74	0172 PERMA-LINE CORPORATION
R	48528	133.12	06/06/24	74	0089 PIKE INDUSTRIES INC
R	48529	255.25	06/06/24	74	0915 PINE STATE ELEVATOR COMPANY
R	48530	661.45	06/06/24	74	1273 PRO HVAC LLC
R	48531	1,024.98	06/06/24	74	0232 QUILL CORPORATION
R	48532	75.00	06/06/24	74	0167 REDIMARKER, JAY
R	48533	235.00	06/06/24	74	1133 REP ENTERPRISES GREENLAND
R	48534	80.88	06/06/24	74	0565 ROBINSON, PAT
R	48535	66.50	06/06/24	74	1182 SNAP-ON
R	48536	35.08	06/06/24	74	0226 SOUTHWORTH MILTON INC
R	48537	100.00	06/06/24	74	1383 TREASURER, STATE OF MAINE
R	48538	627.70	06/06/24	74	0098 VFW POST 5744
R	48539	1,958.46	06/06/24	74	0100 WEX BANK
R	48540	1,887.80	06/06/24	74	1251 WINDHAM WEAPONRY
R	48541	8,470.00	06/06/24	74	0102 YORK AMBULANCE ASSN INC
R	48542	38.00	06/06/24	74	0066 YORK COUNTY REGISTRY OF DEEDS
Total		973,623.88			

Count

Checks	73
Voids	0

Melissa Costella _____

John James _____

Jeff Minihan _____

Jessica Cyr _____

Mallory Cook _____

APPROVED _____

DATE _____

TOWN MANAGER

A / P Warrant

South Berwick
9:40 AM

Bank: KENNEBUNK - Operating

06/20/2024
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	48543	874.00	06/11/24	75	0066 YORK COUNTY REGISTRY OF DEEDS
P	48544	70,000.00	06/11/24	75	0077 HUSSEY EXCAVATION INC
R	48545	298.50	06/20/24	75	0891 2-Way Communications Services, Inc.
R	48546	463.76	06/20/24	75	0042 ADMIRAL FIRE & SAFETY
R	48547	36.32	06/20/24	75	0103 ASHLINE, KERA
R	48548	1,190.07	06/20/24	75	0771 ATLANTIC FUELS
R	48549	119.05	06/20/24	75	0151 ATLANTIC RECYCLING EQUIPMENT LLC
R	48550	527.33	06/20/24	75	0054 BAKER & TAYLOR
R	48551	15,629.48	06/20/24	75	0011 BERGERON PROTECTIVE CLOTHING LLC
R	48552	7,802.78	06/20/24	75	0012 BERNSTEIN, SHUR, SAWYER & NELSON
R	48553	141,401.11	06/20/24	75	0132 BUREAU OF MOTOR VEHICLES
R	48554	253.60	06/20/24	75	1150 CHAPPELL TRACTOR
R	48555	452.97	06/20/24	75	1158 CINTAS CORP
R	48556	498.75	06/20/24	75	0023 DEB & DUKE MONOGRAMMERS
R	48557	71.96	06/20/24	75	0108 ELIOT SMALL ENGINE REPAIR, INC.
R	48558	476.00	06/20/24	75	0164 FASTENER WAREHOUSE
R	48559	338.98	06/20/24	75	0056 FISHER AUTO PARTS, INC.
R	48560	206.23	06/20/24	75	0052 HAMEL, NICHOLAS
R	48561	1,490.67	06/20/24	75	1268 HAMPTON TECHNICAL SERVICES
R	48562	10.58	06/20/24	75	0867 HANNAFORD
R	48563	612.72	06/20/24	75	1291 HSE FIRE SAFETY EQUIPMENT
R	48564	120.00	06/20/24	75	0209 HUSSEY SEPTIC
R	48565	137.34	06/20/24	75	1233 J.M. HAYDEN EQUIPMENT LLC
R	48566	2,771.08	06/20/24	75	1019 JOHNSON CONTROLS
R	48567	115.15	06/20/24	75	0229 JORDAN EQUIPMENT LLC
R	48568	827.00	06/20/24	75	1135 KNOX COMPANY
R	48569	703.27	06/20/24	75	0251 LAWSON PRODUCTS
R	48570	100.00	06/20/24	75	1095 LEXISNEXIS RISK SOLUTIONS
R	48571	39.06	06/20/24	75	1131 LOCALIQ
R	48572	18.00	06/20/24	75	0169 M W GRENIER ENTERPRISES LLC
R	48573	5,558.30	06/20/24	75	0179 MAINE DEPARTMENT OF INLAND FISHERIES AND WILD LIFE
R	48574	35.00	06/20/24	75	0049 MAINE LOCAL GOVERNMENT
R	48575	20,435.55	06/20/24	75	0127 MAINE MUNICIPAL ASSOCIATION
R	48576	5,871.44	06/20/24	75	0141 MAINE MUNICIPAL ASSOCIATION
R	48577	215.00	06/20/24	75	0595 MAINE TREASURER
R	48578	17.90	06/20/24	75	0081 MAINE TURNPIKE AUTHORITY
R	48579	925.00	06/20/24	75	0228 MBW TRACTOR SALES
R	48580	53.14	06/20/24	75	0761 MCLEAN, CAMDEN
R	48581	633.86	06/20/24	75	1061 NEGM ELECTRIC, LLC
R	48582	76.06	06/20/24	75	1300 NEW ENGLAND KENWORTH
R	48583	15,450.00	06/20/24	75	1146 NEW ENGLAND VEHICLE OUTFITTERS
R	48584	25,000.00	06/20/24	75	0385 NORTHEAST EARTH MECHANICS, INC.
R	48585	273.73	06/20/24	75	0255 NORTHEAST HYDRAULICS INC
R	48586	1,120.00	06/20/24	75	1160 NORWOOD, ASHLEY
R	48587	17.37	06/20/24	75	0944 O'REILLY FIRST CALL
R	48588	21,181.50	06/20/24	75	0089 PIKE INDUSTRIES INC
R	48589	247.91	06/20/24	75	1132 PORTSMOUTH FORD

A / P Warrant

South Berwick
9:40 AM

06/20/2024
Page 2

Bank: KENNEBUNK - Operating

Type	Check	Amount	Date	Wrnt	Payee
R	48590	157.49	06/20/24	75	0252 REDS SHOE BARN
R	48591	550.00	06/20/24	75	0240 SIGNS BY MO
R	48592	244.20	06/20/24	75	0184 SOUTH BERWICK SEWER DISTRICT
R	48593	910.00	06/20/24	75	0195 SOUTHERN MAINE PLANNING & DEVELOPMENT, INC
R	48594	8,342.85	06/20/24	75	0095 STELLAR NETWORKS
R	48595	504.93	06/20/24	75	1387 STILLEY, RONALD & DIANNE E
R	48596	374.60	06/20/24	75	0397 SULLIVAN TIRE CO.
R	48597	4,725.00	06/20/24	75	1056 SUNBELT RENTALS INC.
R	48598	40.00	06/20/24	75	0143 TREASURER OF STATE-CONCEALED FIREARMS
R	48599	15.00	06/20/24	75	0594 TREASURER STATE OF MAINE
R	48600	1,852.00	06/20/24	75	0180 Treasurer, State of Maine
R	48601	311.42	06/20/24	75	0462 ULINE
R	48602	600.00	06/20/24	75	0272 VACHONS AUTO DETAILING
R	48603	263.19	06/20/24	75	0097 VERIZON WIRELESS
R	48604	990.52	06/20/24	75	0100 WEX BANK
R	48605	592.34	06/20/24	75	1306 WRIGHT-PIERCE
R	48606	76.00	06/20/24	75	0066 YORK COUNTY REGISTRY OF DEEDS
Total		365,247.06			

Count

Checks	64
Voids	0

Melissa Costella _____

John James _____

Jeff Minihan _____

Jessica Cyr _____

Mallory Cook _____

APPROVED _____

DATE _____

TOWN MANAGER _____

South Berwick Town Hall

Town Council Meeting

June 25, 2024



OAK POINT
ASSOCIATES

architecture
engineering
planning



LASSEL
ARCHITECTS

South Berwick Town Hall Project Goals

Town Council Meeting

Identify Program Needs

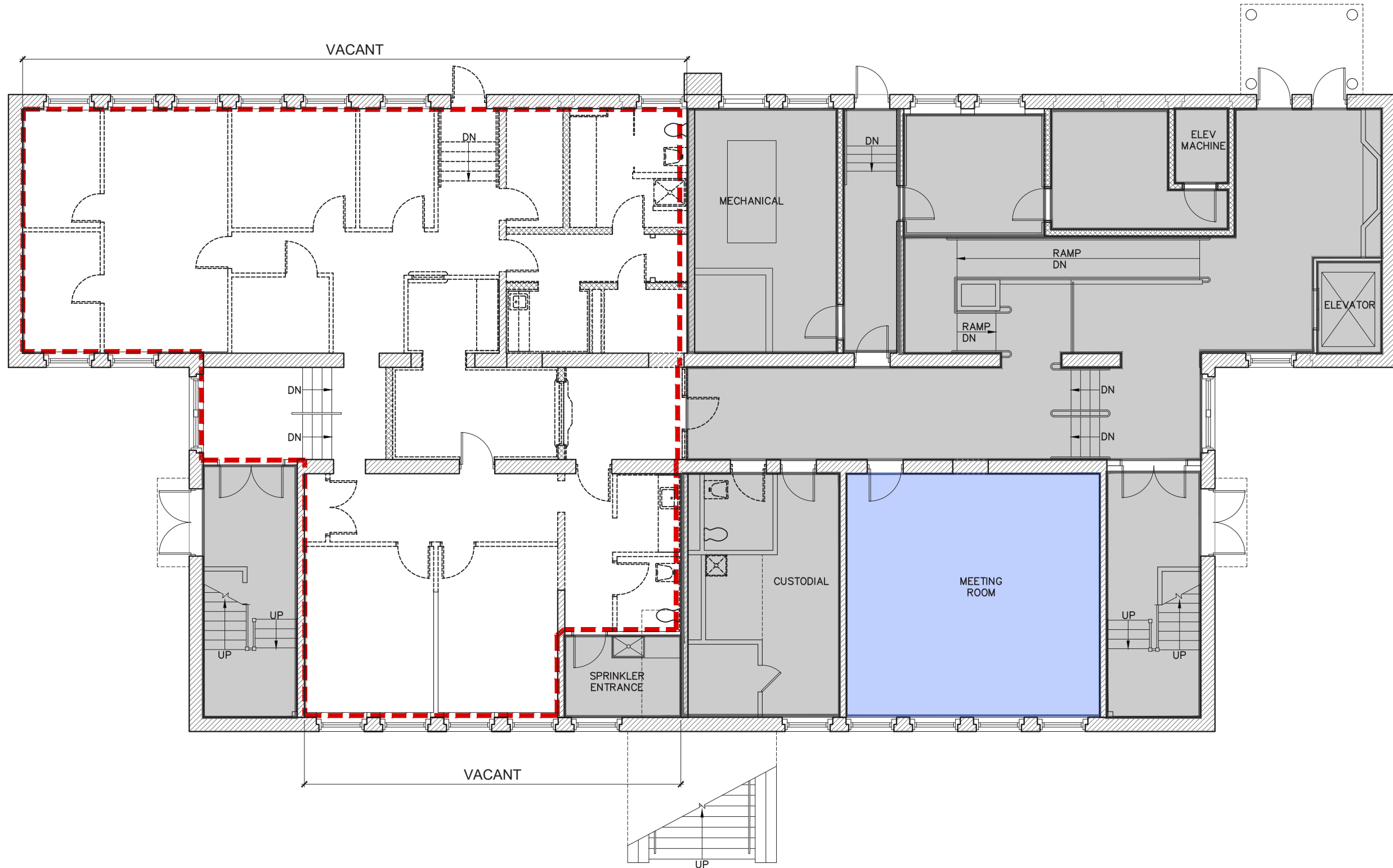
- addresses inefficiencies, lack of storage, and overcrowding that is experienced in the existing building
- the planning work will identify efficiencies within the building, including ideal sizes for departments to recapture space that is underutilized in the building

Maintain Historic Character




- be mindful of historic building, maintaining its character and connection to the downtown

Improve Community Connectivity

- locate public facing services in areas of the building that are easy to access
- develop options for new uses of the front lawn including thoughtful pedestrian connections to the downtown to encourage walkability along Main Street
- improve community access to the building for programs and events
- address ADA deficiencies for better community access



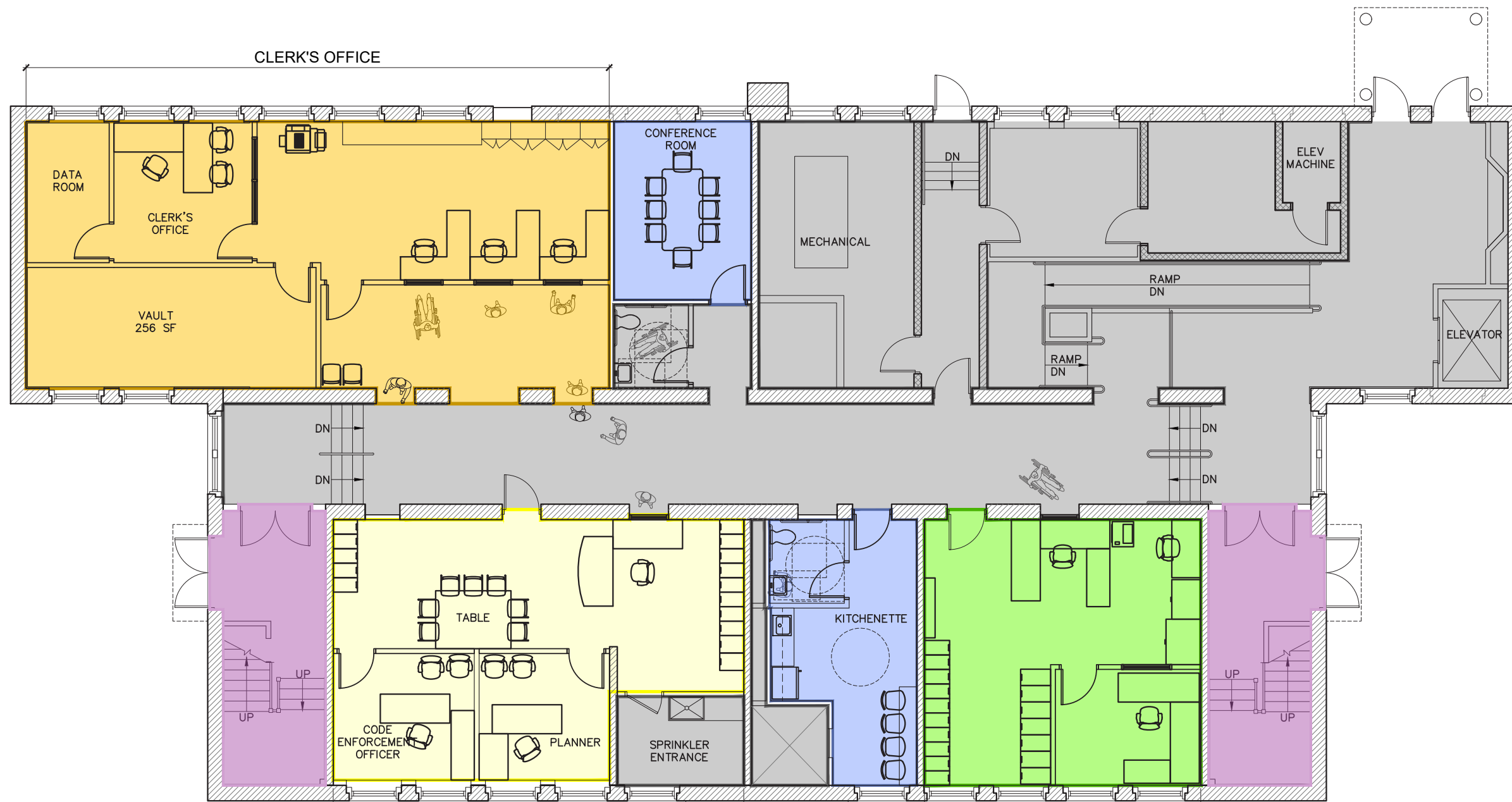
EXISTING FIRST FLOOR PLAN 
PLAN NORTH

- LEGEND**
-  CIRCULATION/BUILDING SUPPORT
 -  VACANT
 -  MULTI-USE

South Berwick Town Hall



June 25, 2024



FIRST FLOOR CONCEPT PLAN

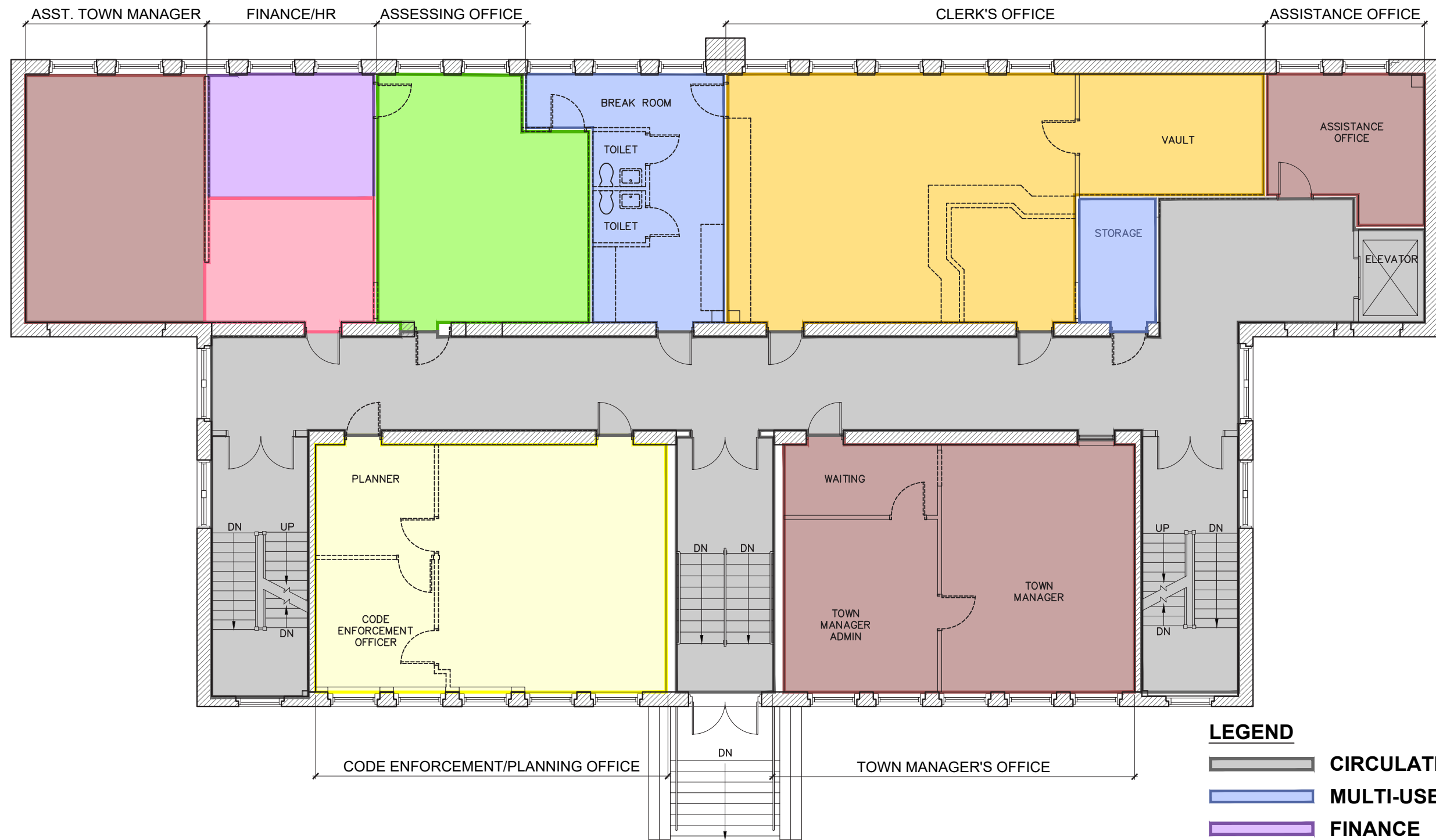


- LEGEND**
- CIRCULATION/BUILDING SUPPORT
 - ASSESSING
 - CLERKS OFFICE
 - CODE ENFORCEMENT/PLANNING
 - MULTI-DEPARTMENT USE
 - ADA UPGRADES






South Berwick Town Hall



June 25, 2024



EXISTING SECOND FLOOR PLAN 
PLAN NORTH

- LEGEND**
-  CIRCULATION/BUILDING SUPPORT
 -  MULTI-USE
 -  FINANCE
 -  ASSESSING
 -  CLERKS OFFICE
 -  CODE ENFORCEMENT/PLANNING
 -  TOWN MANAGEMENT
 -  HUMAN RESOURCES








South Berwick Town Hall



June 25, 2024



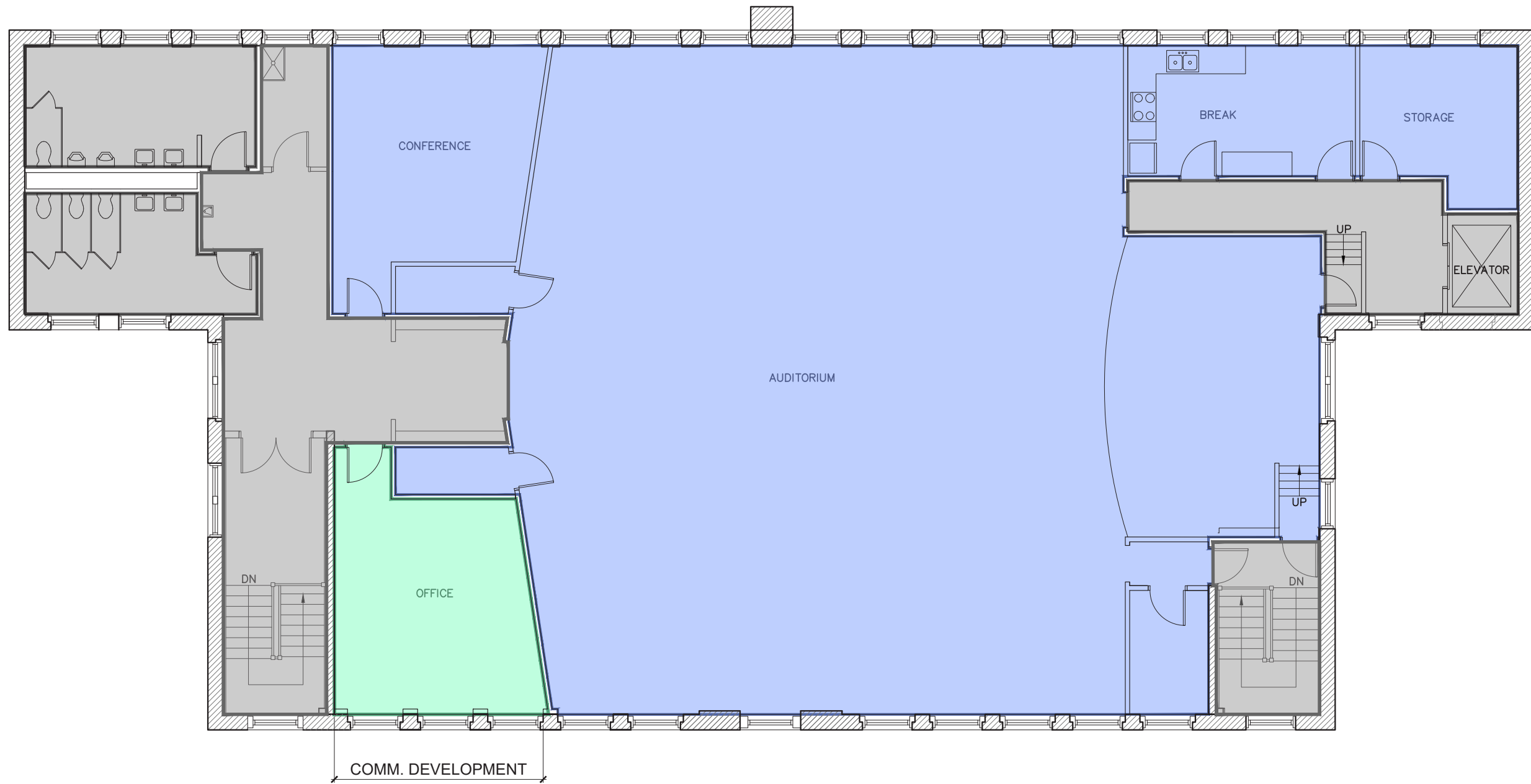
SECOND FLOOR CONCEPT PLAN  PLAN NORTH

- LEGEND**
-  CIRCULATION/BUILDING SUPPORT
 -  MULTI-DEPARTMENT USE
 -  FINANCE
 -  TOWN MANAGEMENT
 -  HUMAN RESOURCES
 -  COMMUNITY DEVELOPMENT
 -  ADA UPGRADES




South Berwick Town Hall



June 25, 2024



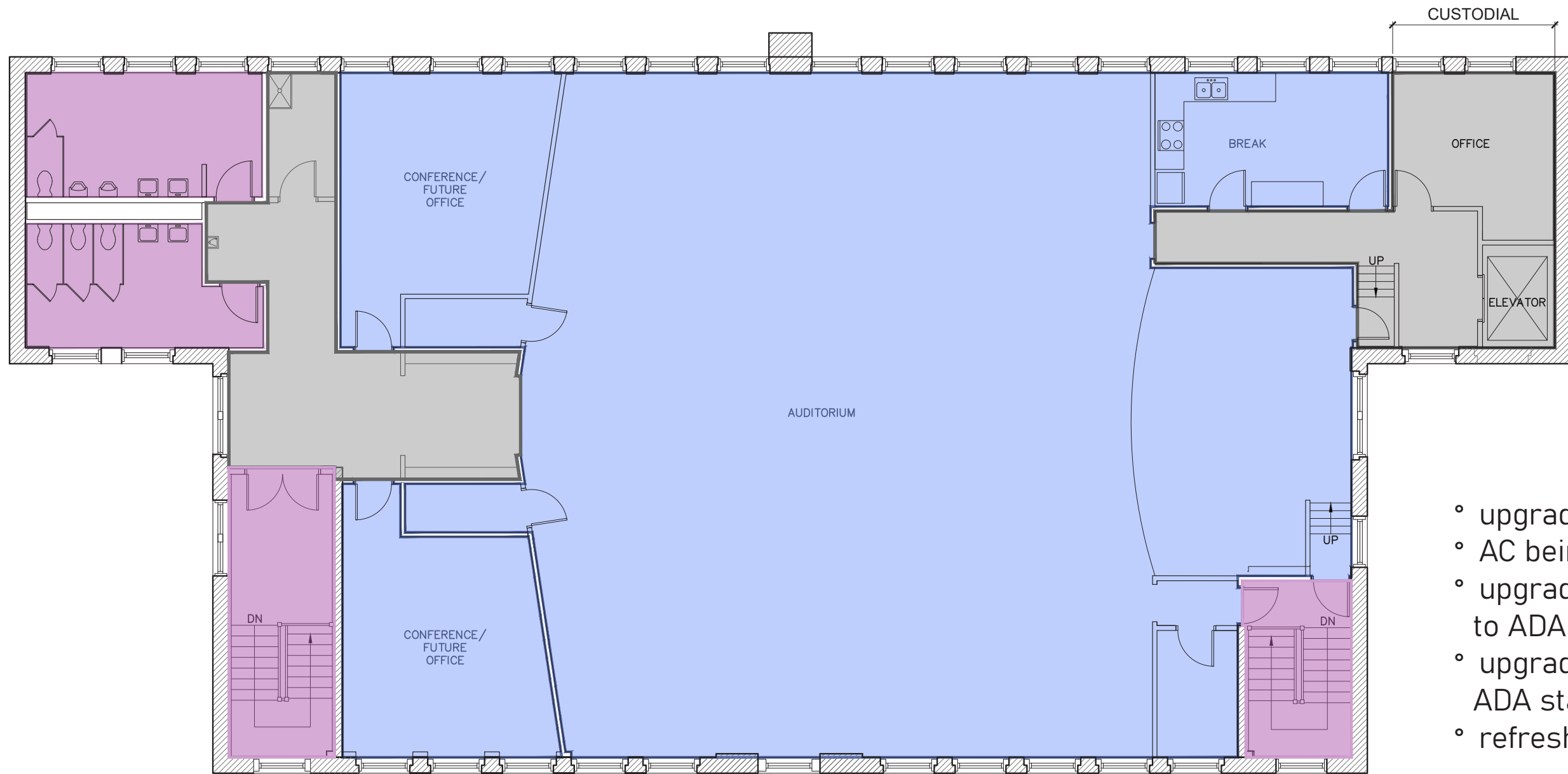
EXISTING THIRD FLOOR PLAN 
PLAN NORTH

- LEGEND**
-  CIRCULATION/BUILDING SUPPORT
 -  MULTI-USE
 -  COMMUNITY DEVELOPMENT

South Berwick Town Hall



June 25, 2024



- upgrading break-room
- AC being added
- upgrading bathrooms to ADA standards
- upgrading stairwell to ADA standards
- refreshing auditorium

THIRD FLOOR CONCEPT PLAN



LEGEND

- CIRCULATION/BUILDING SUPPORT
- MULTI-DEPARTMENT USE
- ADA UPGRADES

South Berwick Town Hall



June 25, 2024

South Berwick Town Hall P r o j e c t P r o s

Town Council Meeting

P r o j e c t C o s t S a v i n g s

- staff remains in building, serving the public during construction
- many existing walls remain
- existing furniture remains
- recently replaced mechanical equipment remains

I n c r e a s e d E f f i c i e n c y

- better organization of space increases flow and productivity
- straight forward design gets you where you are going quicker and easier

C o m m u n i t y U s e

- 3rd floor renovations increases accessibility
- increased accessibility fosters an inclusive community space for all

P r o j e c t R e m a i n s i n T o w n C e n t e r

- encourages town involvement and pedestrian use
- fosters a sense of community
- improves town fabric

U p g r a d e s

- upgrades building systems and provides AC throughout
- break-rooms, bathrooms and stairwells are getting a finish refresh

South Berwick Town Hall Green Initiatives

Town Council Meeting

Reduce, Reuse

- use existing materials and furniture to decrease cost and environmental impact

Improved Building Envelope

- increased thermal insulation will help reduce demand for heating and cooling

Solar Proposal

- photo-voltaic panels on the roof will decrease electric costs over time and decrease the town's overall carbon footprint
- will not impact historic building facade

South Berwick Town Hall

Next Steps

Town Council Meeting

Approve Concept

- before further details can be arranged (systems, site work, costs, etc.), the concept must be approved

Arrange Details

- taking this next step involves new system design, finalizing floor plans and preparing costs

Approve for Vote

- for this project to be approved in time to appear on the ballot in November, details must be arranged by end of summer
- delaying approval means a later start date for the project

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: 6/25/2024	UB #1
Agenda Item: Town Hall Project – Conceptual Design	
Informational:	
Oak Point Presented to the Town Council a conceptual design for a Remodel of the existing Town Hall.	
Town Manager’s Recommendation:	
Make a motion to approve and move forward with the next phase of the project to gather the cost funding needed to proceed with the Conceptual design as Shown.	
Requested Action:	
Make a motion to approve and move forward with the next phase of the project to gather the cost funding needed to proceed with the Conceptual design as Shown.	
Vote	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date June 25, 2024	UB #2
Agenda Item: FY25 (TIF) Tax Incremental Fund Budget	
Informational:	
<p>Tim, Jen and Denise worked on this budget alongside the Town Budget.</p> <p>At Town Meeting the Residents approved for the Council to approve how the town will spend down the (TIF) Tax Incremental Fund dollars in accordance with the Plan.</p>	
Town Manager's Recommendation:	
To approve the Budget as presented	
Requested Action:	
Vote to approve the FY25 TIF (Tax Incremental Fund) Budget.	
Vote	

South Berwick TIF Budget, Earmarks & Multi-Year Projections
FY24 through FY27 (as of February 26, 2024)

ACCT.	DESCRIPTION	FY23	FY24	FY24	FY24	FY25	FY25	FY25	FY26	FY26	FY26	FY27	FY27	FY27
		Audited Year End Balance	Projected Growth	Approved Budget & Changes	Projected Year End Balance	Projected Growth	Proposed Budget	Projected Year End Balance	Projected Growth	Anticipated Budget Needs	Projected Year End Balance	Projected Growth	Anticipated Budget Needs	Projected Year End Balance
TIF #1	Punkintown TIF District	\$ 1,145,922	\$ 687,411	\$ 424,715	\$ 1,408,618	\$ 687,411	\$ 1,444,198	\$ 651,831	\$ 687,411	\$ 500,000	\$ 839,242	\$ 687,411	\$ 517,000	\$ 1,009,653
TIF #2	Transit-Oriented TIF District	\$ -	\$ 551,121	\$ 30,000	\$ 521,121	\$ 551,121	\$ 652,500	\$ 419,742	\$ 551,121	\$ 682,500	\$ 308,383	\$ 551,121	\$ 217,500	\$ 641,984
TOTAL TIF Districts		\$ 1,145,922	\$ 1,238,532	\$ 454,715	\$ 1,929,739	\$ 1,238,532	\$ 2,096,698	\$ 1,071,573	\$ 1,238,532	\$ 1,182,500	\$ 1,147,625	\$ 1,238,532	\$ 734,500	\$ 1,651,637

NOTE: FY24 Year End Projected Balance includes anticipated FY24 tax revenue generated, and includes all CEAs deducted (if applicable). Beginning balances subject to change.

LINE ITEM BACKUP

TIF #1	Punkintown	FY24 Approved Budget & Changes	FY24 Total
		Economic and Community Development Department	\$ 181,200
		Economic Development Related / Prorated Town Salaries	\$ 124,015
		Economic Development Related / Overhead, Capital, Studies	\$ 37,500
		M/DOT Grant Match Plan, & Engineer, for Main Street Traffic Improve.	\$ 52,000
		Downtown Revitalization Plan	\$ 30,000
		Total	\$ 424,715

TIF #1	Punkintown	FY25 Proposed Budget	FY25 Total
		Economic and Community Development Department	\$ 192,528
		Economic Development Related / Prorated Town Salaries	\$ 123,945
		Economic Development Related / Overhead, Capital, Debt, Studies	\$ 79,725
		Wayfinding / Town-wide signage	\$ 45,000
		Earmark for Rt. 236 / Main Street Traffic Improvements	\$ 1,000,000
		Legal Fees	\$ 3,000
		Total	\$ 1,444,198

TIF #1	Punkintown	FY26 Anticipated Budget Needs	FY26 Total
		Economic and Community Development Department	\$ 208,000
		Economic Development Related / Prorated Town Salaries	\$ 140,000
		Economic Development Related / Overhead, Capital, Studies	\$ 50,000
		Grant Match Funds	\$ 100,000
		Legal Fees	\$ 2,000
		Total	\$ 500,000

TIF #1	Punkintown	FY27 Anticipated Budget Needs	FY27 Total
		Economic and Community Development Department	\$ 215,000
		Economic Development Related / Prorated Town Salaries	\$ 190,000
		Economic Development Related / Overhead, Capital, Studies	\$ 50,000
		Grant Match Funds	\$ 100,000
		Legal Fees	\$ 2,000
		Total	\$ 517,000

TIF #2	Transit-Oriented	FY24 Proposed Budget	FY24 Total
		Downtown Facade Improvement Grant Program	\$ 30,000
		Total	\$ 30,000

TIF #2	Transit-Oriented	FY25 Anticipated Budget Needs	FY25 Total
		Downtown Facade Improvement Grant Program	\$ 50,000
		Downtown Improvements	\$ 100,000
		Earmark for Rt. 236 / Main Street Traffic Improvements	\$ 500,000
		Legal Fees	\$ 2,500
		Total	\$ 652,500

TIF #2	Transit-Oriented	FY26 Anticipated Budget Needs	FY26 Total
		Downtown Facade Improvement Grant Program	\$ 60,000
		Downtown Improvements	\$ 100,000
		Earmark for Rt. 236 / Main Street Traffic Improvements	\$ 500,000
		Legal Fees	\$ 2,500
		Total	\$ 662,500

TIF #2	Transit-Oriented	FY27 Anticipated Budget Needs	FY27 Total
		Downtown Facade Improvement Grant Program	\$ 90,000
		Downtown Improvements	\$ 125,000
		Legal Fees	\$ 2,500
		Total	\$ 217,500

TOWN COUNCIL

Agenda Information Sheet

Meeting Date June 28, 2024	UB #3
Agenda Item: Vote on Vehicle Traffic Ordinance 130-8 & 130-13	
Informational:	
<p>Posting Central School first entrance so that traffic cannot turn left across the oncoming lane into traffic. It creates a safety hazard and stalls traffic during school hours.</p> <p>Maine DOT has posted the Dover-Eliot Bridge on Route 101 for 30 tons only because of this, the trucks leaving Pikes Pit on Route 236 are now using Liberty Street to get to Main Street. This is to avoid the intersection of Route 236 and Main Street to cross the bridge into New Hampshire. The weight of the trucks on Liberty Street are causing damage to the road surface.</p>	
Town Manager's Recommendation:	
Vote and Approve the purposed ordinance changes	
Requested Action:	
Council Wishes	
Vote	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: 6/25/2024	NB #1
Agenda Item: FEMA Floodplain Ordinance - Schedule a Public Hearing	
Informational:	
<p>This is required by FEMA to adopt these floodplain management measures, to meet the minimum NFIP requirements.</p> <p>If we do not adopt this ordinance the community becomes ineligible for all flood insurance.</p>	
Town Manager's Recommendation:	
Requested Action:	
<p>Schedule a Pubic Hearing for July 9, 2024.</p>	
Vote	

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF SOUTH BERWICK, MAINE

ENACTED: _____
Date

EFFECTIVE: _____
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: _____
Print Name

Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

CONTENTS

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V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.....	4
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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of South Berwick, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of South Berwick, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of South Berwick, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of South Berwick has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of South Berwick having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of South Berwick, Maine.

The areas of special flood hazard, Zones A and AE, for the Town of South Berwick, York County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – York County, Maine," dated July 17, 2024, with accompanying "Flood Insurance Rate Map" dated July 17, 2024, are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of South Berwick, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address, and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing locations of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2. apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zone AE, from data contained in the "Flood Insurance Study - York County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.M. and VIII.D.; or,
 - (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.H.2.b., Article VI.I.2.a. or b., or Article VI.J.2.b.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement;
 - 4. lowest machinery and equipment servicing the building; and,
 - 5. level, in the case of non-residential structures only, to which the structure will be floodproofed.
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by:
 - 1. a Professional Land Surveyor that the grade elevations shown on the application are accurate; and,
 - 2. a Professional Land Surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.

- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article VI.I.; and other applicable standards in Article VI;
 - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.N.2.a.;
 - 3. a certified statement that bridges will meet the standards of Article VI.O.;
 - 4. a certified statement that containment walls will meet the standards of Article VI.P.
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$25.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - York County, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.M.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
 - D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
 - E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
 - F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an “under construction” Elevation Certificate completed by a Professional Land Surveyor based on the Part I permit construction for verifying compliance with the elevation requirements of Article VI, paragraphs H., I., or J. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.I.1. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.
 - G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. **All Development** - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities, that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Utilities** - New construction or substantial improvement of any structure (including manufactured homes) located within Zones A and AE, shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation.

G. **Physical Changes to the Natural Landscape** - Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.

1. All development projects in Zone AE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
2.
 - a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
 - b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.

3. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.
4. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

H. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article VIII.D.; or,
 - b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure.

I. **Non-Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; Article VIII.D.; or,

- b. in the absence of all data described in Article VI.I.2.a., to at least two feet above the highest adjacent grade to the structure; or,
- c. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.I.1.a., b., and c.

J. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zone AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) All components of the anchoring system described in Article VI.J.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.J.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; Article VIII.D.; or,
- b. in the absence of all data as described in Article VI.J.2.a., to at least two feet above the highest adjacent grade to the structure; and,
- c. meet the anchoring requirements of Article VI.J.1.c.

K. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the site for fewer than 180 consecutive days; and,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.J.1.

L. **Accessory Structures** - New construction or substantial improvement of Accessory Structures, as defined in Article XIII, shall be exempt from the elevation criteria required in Article VI.H. & I. above, if all other requirements of Article VI and all the following requirements are met.

1. Accessory Structures located in Zones A and AE shall:
 - a. meet the requirements of Article VI.A.1. through 4., as applicable;
 - b. be limited in size to a one-story two car garage;
 - c. have unfinished interiors and not be used for human habitation;
 - d. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the Special Flood Hazard Area.
 - e. be located outside the floodway;
 - f. when possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
 - g. have hydraulic openings, as specified in Article VI.N.2., in at least two different walls of the accessory structure.

M. **Floodways** -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A and AE riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.M.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - c. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

3. In Zones A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

N. **Hydraulic Openings/Flood Vents** - New construction or substantial improvement of any structure in Zones A and AE, that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs H., I., or J. and is elevated on posts, columns, piers, piles, or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

O. **Bridges** - New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least one foot above the base flood elevation; and,
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.M.; and,
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

P. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A and AE shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

Q. **Wharves, Piers, and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water, and shall comply with all applicable local, state, and federal regulations.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer an Elevation Certificate completed by a Professional Land Surveyor for compliance with Article VI, paragraphs H., I., or J.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the Elevation Certificate and the applicant's written notification; and,
 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, or local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of South Berwick may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.

- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. the criteria of Article IX.A. through C. and Article VI.M. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article IX.A. through C.; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:
 - 1. the development meets the criteria of Article IX.A. through C.; and,
 - 2. the development meets the criteria of Article VI.M. and Article VI.N.
- G. Any applicant who meets the criteria of Article IX.A. through C. and Article IX.D., E., or F. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; and,
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks, and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- H. Appeal Procedure for Administrative and Variance Appeals
 - 1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

Adjacent Grade - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Agricultural Structure - structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Area of Special Flood Hazard - the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - any area of the building having its floor subgrade (below ground level) on all sides.

Building - see **Structure**.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Containment Wall - a wall surrounding all sides of an above ground tank to contain any spills or leaks.

Development - any man made change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, piers, or shear walls; and,

- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.N.

Elevation Certificate - an official form (FEMA Form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

Flood or Flooding -

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Flood-prone Area - any land area susceptible to being inundated by water from any source (see **Flood or Flooding**).

Floodplain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or,
 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.N. of this ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required

utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and has been called "1929 Mean Sea Level (MSL)".

New Construction - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD) - the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and,
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, and,

- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Variance - a grant of relief by a community from the terms of a floodplain management regulation.

Violation - the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

ARTICLE XV - DISCLAIMER OF LIABILITY

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.



Town Of South Berwick

Planning Department

180 Main Street, South Berwick, ME 03908

TEL: 207-384-3011 FAX: 207-384-3303

6/5/2024

Town Council
180 Main Street
South Berwick, Maine 03908

RE: FEMA Floodplain Ordinance

Dear Town Council Members,

Attached you will find the new FEMA Floodplain Ordinance update. The Planning Board held a Public Hearing on June 5, 2024, after it was publicly noticed in the newspaper twice. No public comments/concerns were made. The Planning Board voted 5-0-1 to send it to the Town Council for final approval.

Best Regards,

South Berwick Planning Board

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: 6/25/2024	NB #2
Agenda Item: Lease for two Western Star Plow Trucks	
Informational:	
This was approved within the CIP Budget	
Recommendation:	
Requested Action:	
Make a motion to: VOTED by the Town Council for the Town of South Berwick, Maine as follows: (1) That a Capital Acquisition Project (the "Project") consisting of a lease of Two Western Star 47X Trucks with associated plowing accessories is hereby approved; and (2) That the financing for the Project in the principal amount of up to \$381,264.50 is awarded to Androscoggin Bank with terms consistent with the proposal submitted hereto dated June 4, 2024 and titled "Municipal Lease Purchase Proposal" at an interest rate of 6.29%, subject to annual appropriation; and (3) That the Town Manager/Treasurer and Chair of the Town Council are hereby authorized to, each individually in the event the other is unavailable, execute the Municipal Lease Purchase Agreement (the "Lease") and all other documents reasonably necessary to accomplish the purpose of this vote, as the documents may require; and (4) That the Town Council hereby confirms its determination that the term of the Lease does not exceed 120% of the economic life of the Project; and (5) That said Lease is hereby designated a "bank qualified tax-exempt obligation" of the Town for the 2024 calendar year under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.	
Vote	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: June 25, 2024	NB #3
Agenda Item: Reappointment of Board and Committee Members & Resignations	
Informational:	
<p>The Town Clerk mailed formal correspondence (see attached) to all members up for reappointment 5/1/24 requesting confirmation of reappointment no later than 6/14/24 via phone or email.</p> <p>Board of Assessment Review: James Cleary – Requests not to be reappointed.</p> <p>Building Committee: Thomas Harmon – Resigned due to no response. Fred Wildnauer – Requests not to be reappointed.</p> <p>Conservation Commission: Patricia Robinson – Requests to be reappointed. Brett Cropp – Requests to be reappointed.</p> <p>Historic District Commission*: Mary Vaughn - Requests not to be reappointed. * The other member up for reappointment has passed away leaving 2 vacant seats with terms to expire 6/30/2027</p> <p>Library Advisory Board: Eric Gonya – Requests to be reappointed.</p> <p>Planning Board: Lisa “Hershey” Hirschkop - Requests to be reappointed. Anthony Palazzetti – Requests to be reappointed.</p> <p>Recreation Committee: Jeff Hoerth – Requests to be reappointed. Heather Holland - Requests not to be reappointed.</p> <p>Zoning Board of Appeals: Sam Flinkstrom - Requests to be reappointed. Robert Eger - Requests to be reappointed.</p> <p style="text-align: center;">If appointed terms will expire June 30, 2027</p>	
Town Manager’s Recommendation:	
Requested Action:	
Motion and vote to reappoint or to accept the resignation of the members listed above	
Vote	



Town of South Berwick

180 MAIN STREET
SOUTH BERWICK, MAINE 03908-1535
TEL. 207-384-3300
FAX: 207-384-3303

May 1, 2024

Dear Board Member,

The Town Council will be re-appointing board and committee members at their meeting of June 25th, 2024. My records indicate that your term expires on June 30, 2024.

If you wish to be re-appointed, you **MUST** call or email me before June 14th, 2024. If I **do not** hear from you before then, I will consider that as a formal resignation from the board or committee you held a seat in.

Sincerely,

Tyanne Giambusso

Tyanne Giambusso,
Town Clerk
207.384.3001
tgiambusso@sbmaine.us