

**SOUTH BERWICK TOWN COUNCIL
PUBLIC HEARING
PETITION OF DISCONTINUANCE
OF A FORMER PORTION OF ROUTE 91
NOVEMBER 23, 2009**

Chairman David Burke opened the hearing at 6:30pm. Those present included Councilors Michelle Kareckas, Jean Demetracopoulos, Gerald W. MacPherson, Sr., David H. Webster, and Assistant Town Manager Roberta Orsini. Petitioner Patricia Durkin was also present.

[Notices were mailed to the following abutters: Rocky Gorge Corp, A & R General Contracting, Costigan, Burnham, Ouellette, Glynn, Malo/Bravo, Flinkstrom, Mesmer, CMP, Unutil Services Corp, Northern New England Telephone, SB Water District, SB Sewer District, Comcast Cable, and Pat Durkin]

The purpose of the hearing was to receive public comment on the petition from Patricia Durkin (Brattle St) to discontinue a former portion of Route 91, between Brattle Street and Route 236. The petition also asks that the Town not retain a public easement. *(Although considered a former portion of Route 91, the lot is located at the intersection of Brattle St and Route 236, across from Academy St)*

Pat Durkin explained that the State abandoned the small parcel of land many years ago. She has been maintaining and using the lot. A berm was erected by the Town to mitigate water run off; and the State gave permission for a fence to help with traffic noise.

-Mr. MacPherson, a resident of Brattle St, gave a brief history of the area of land under consideration.

-Mrs. Demetracopoulos made note of the right-of-ways held by the Water District, Sewer District, and CMP. She commented that any future building development could have adverse effects on the sight line of vehicles turning off of Brattle St. She also expressed her concerns regarding potential abutter issues for damages.

-Mrs. Kareckas questioned whether the Town would be able to put any restrictions on the parcel. Note was made that there are restrictions in the B1 zone. Mr. Burke added that the Town can include covenants in the deed.

-Mr. Webster stated that any future buildings on the property would be addressed by the Planning Board at the appropriate time if necessary.

-Mr. MacPherson stated that he would like to see a map that is easier to read. The map presented is confusing and difficult to follow.

-Mrs. Kareckas asked if we had statements from the Planner and Assessing Agent. It was discussed that statements are not needed from either. Planning would handle any future development of the parcel and the Assessing Agent would be able to place a value on the lot once the actual size is determined and a deed is drafted.

-Mrs. Orsini stated that there are still issues to research prior to making a decision on the request.

Mr. Burke closed the hearing at 6:52pm.

Attest:

Barbara Bennett, CCM

Draft

SOUTH BERWICK TOWN COUNCIL NOVEMBER 24, 2009

Chairman David Burke called the meeting to order at 6:38pm. Those present included Councilors Michelle Kareckas, Jean Demetracopoulos, and Gerald W. MacPherson, Sr. Town Manager John B. Schempf was also in attendance.

APPROVAL OF MINUTES

1. Town Council 11-09-09: On a motion by Mrs. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.

SIGNING OF TREASURER'S WARRANT – November 24, 2009

On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to sign the warrant.

PUBLIC COMMENT

1. Norma Tutelian, Butler St, expressed her concerns with the amount of money being spent on legal fees. She also stated her concerns with the fact that it appeared that the Council had made a decision regarding the election of officers prior to entering the last meeting.
2. Pat Robinson, Conservation Commission, stated that there was a good turnout for the walk through the Town Forest. She encouraged everyone to use the area.
3. Virginia Jennings, Earls Rd, invited everyone to attend the Paul Revere Project on December 2nd. An overview of fiscal issues will be the main topic. Mrs. Jennings also stated that she hopes the Town is not expected to pick up the slack in decreased school funding by the state.
4. John Rudolph, Oldfields Rd, stated that he did not believe the Council is shown enough appreciation for the work they do. He thanked Mrs. Demetracopoulos for her efforts as the prior Chairman. He also congratulated Mr. Burke on being elected Chairman.
5. David E. Webster, Tamarack Dr, asked if the work in the Town Forest had been put out to bid. He expressed his concerns with the timber harvest and the use of the proceeds.
6. Audrey Fortier, Rodier Rd, asked for the status of the market analysis on the Day property. Mr. Burke stated that a local realtor has been contacted. Mr. Burke added that it is the intention to replace the \$150,000 taken from the library account with the sale of the property.
7. George Muller, Portland St, asked the Council to do something about the speeding traffic on Portland Street. He stated that it is not safe to cross the roads in the downtown even in the crosswalks. He did thank the Council for the engine brake sign.
8. Suzanne Roberge, Berwick Rd, commented on legal fees for the charter changes. She stated that she only questioned the cost of the referendum. She now assumes that the full cost of the changes includes legal fees, referendum cost, and codification costs totaling around \$5000. Mr. Schempf agreed that it would be "in that neighborhood".

Ms. Roberge asked the Manager if he had been directed by the Council or was it his decision to contact the attorney for a written opinion in regard to the recent Zoning Board of Appeals hearing on the Our Lady of Angels Church. Mr. Schempf stated that it was his decision. Ms. Roberge asked if there are ongoing discussions with the attorney. Mr. Schempf responded "Yes". Ms. Roberge continued by expressing her and Mr. Emery's concerns with the appearance that the Manager is advocating for the Church and their agent. She stated that she and Mr. Emery acted appropriately and won the appeal. Ms. Roberge added that it appears that someone is trying to influence the Planning Board's next decision.

REPORTS & CORRESPONDENCE

1. Tanna Clews of SoBo Central gave the Council a brief update on the group's status. Other SoBo board members present included David Stansfield, Amy Miller, Nicole St. Pierre, Pat Robinson, and Molly Colman. Ms. Clews explained that SoBo is a newly incorporated non-profit organization established to bring together a variety of community programs & organizations for fund raising.

TOWN MANAGER'S REPORT

- Memorial Bridge is now open with a 3 ton weight limit.
- PWD projects report – Demers Lane overlay, Hooper Sands 1500' overlay, Emery's Bridge reconstruction of 2700' and Belle Marsh reconstruction of 800' are complete, leaving \$123,000 in the capital roads budget. Witchtrot Road will be done in the spring. Effective January 4th the cost of materials will be going up by 5%, (per letter from Pike Industries).
- Made note of Home for the Holidays & Women's Holiday Art Sale on December 4th & 5th.
- Transfer Station update – a new fee structure will be coming soon. There is also a continuing problem with kitty litter. It can be disposed of by weight in the construction bin or use the blue bags.
- Young Street property workshop re: mold. We are continuing to investigate the costs & remedies. Mr. Schempf added that it will not be cheap and it has to be done.
- Asked that 2, only 2, Councilors meet with him to walk through the Day property.

NEW BUSINESS

1A. On a motion by Mrs. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to accept the 2009 Safety Enhancement Grant in the amount of \$749.90. The grant funds will be used to purchase hearing protection for all Police Officers. Mr. Webster questioned the need for 15 devices.

2A. The Council discussed the Planning Board's work plan for the upcoming year. Comments by Councilors included the following:

- Mr. Webster: Nothing at this time.
- Mrs. Demetracopoulos: Downtown parking standards (business & residential), future uses of the Young Street lot.
- Mr. MacPherson: Nothing at this time.
- Mrs. Kareckas: Noise Ordinance.
- Mr. Burke: Readdress/reconsider contract zoning (with CDC). Possibly extend BR zone up towards the Day property.

3A. Charter Amendments:

-Eric Pelchat, Front St, questioned the differences between our Charter, state law, the Town Attorney's opinion and MMA legal's opinion regarding the effective date of the charter amendments adopted by referendum on November 3rd. David E. Webster, Tamarack Dr, questioned a statement made by the Manager that MMA won't give an opinion on our charter. Mr. Webster stated that when he was on the council, MMA did respond to his request for information on a charter issue.

On a motion by Mrs. Demetracopoulos, seconded by Mrs. Kareckas, it was unanimously ordered to make the Charter amendments voted on at the November 3, 2009 election effective retroactively to November 4, 2009.

Mrs. Demetracopoulos stated that the Charter does reference the issue under home rule. Councilor Webster rhetorically asked why we would wait a year. Mr. Burke commented that most any law or ordinance has contradictions and either side can often be argued.

3B. On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to approve the pole permit application from CMP for a new pole on Liberty Street.

3C. Mr. Burke stated that the "Buy Local First Week" was being held in conjunction with the Home for the Holidays celebration. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to sign the proclamation in support of Buy Local First Week.

COUNCIL MEMBER COMMENTS

1. Mrs. Demetracopoulos:

-Corrected a prior statement that Comcast did pay its 2nd & 3rd quarter franchise fee. She asked that the Council continue to receive quarterly payment information.

-Asked if a copy of the transportation feasibility study could be made available at the library for the public.

-Wished all a happy & safe Thanksgiving.

2. Mr. Webster:

-Received resident concerns regarding the Comcast build out. He added that he will do what he can to see that Comcast completed their task.

-Spoke with Norma Tutelian regarding legal fees. He added that they are fickle; they come when they want to not necessarily when we want them to.

3. Mrs. Kareckas:

-Mentioned that a Comcast rep was at her home asking about her service.

-Asked that a note be added to the Codebook on the page reserved for Chapter 110, Shoreland Zoning, stating that until Shoreland Zoning is adopted the current Zoning Ordinance should be referenced for shoreland issues.

4. Mr. MacPherson:

-Commented that he had a pleasant experience with Comcast when he had to call for service.

-Wished everyone a happy & safe holiday.

5. Mr. Burke:

-Stated that he felt it was appropriate to discuss the position of the Chair to be prepared for the meeting. He apologized if the process did not look transparent to the public.

-Thanked everyone for their work putting out the flags.

-Thanked the Rotary Club for the excellent Thanksgiving Dinner at the Community Center.

-Thanked Pat Robinson for the walk through the Town Forest.

-Happy Thanksgiving to all.

ADJOURNMENT

On a motion by Mr. Webster, seconded by Mr. MacPherson, it was unanimously voted to adjourn the meeting at 8:04pm.

Attest:

Barbara Bennett, CCM

Draft

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00050748	100007 J.E.T.C.C.	12/08/2009	-70.00
00050755	130626 MAINE OXY/SPEC AIR GASES	12/08/2009	-66.32
00050798	189999 REFUNDS	12/08/2009	81.26
00050799	133050 TREAS,STATE OF MAINE/IV-D	12/08/2009	70.00
00050800	132500 SECRETARY OF STATE M/V	12/08/2009	9,341.75
00050801	081398 PAUL HUSSEY CORP INC	12/08/2009	6,622.64
00050802	189999 REFUNDS	12/08/2009	200.00
00050803	133050 TREAS,STATE OF MAINE/IV-D	12/08/2009	70.00
00050804	010285 ADMIRAL FIRE & SAFETY INC	12/08/2009	65.40
00050805	010301 AETNA	12/08/2009	14,430.00
00050806	011250 TREASURER,STATE OF MAINE	12/08/2009	75.00
00050807	020220 CATALINA BAKAS	12/08/2009	54.00
00050808	020225 BAKER & TAYLOR	12/08/2009	253.94
00050809	021200 BERGERON PROTECTIVE CLOTHING	12/08/2009	96.00
00050810	022850 BUSINESS EQUIPMENT UNLIMITED	12/08/2009	2,395.00
00050811	021668 BLOW BROS	12/08/2009	53.00
00050812	022503 SHARON BRASSARD	12/08/2009	90.67
00050813	030020 C&S SPECIALTY INC	12/08/2009	282.27
00050814	030530 CENTRAL TIRE CO INC	12/08/2009	262.70
00050815	030510 CENTRAL MAINE POWER	12/08/2009	3,682.96
00050816	030725 CITIZENS BANK (CHG)	12/08/2009	130.00
00050817	030920 CLEAN-O-RAMA	12/08/2009	573.45
00050818	031425 COLONIAL LIFE & ACCIDENT INS.	12/08/2009	1,464.84
00050819	031430 COMCAST	12/08/2009	95.00
00050820	031850 COUNSELING SERVICES INC	12/08/2009	375.00
00050821	050815 EMPLOYEE HEALTH & BENEFITS	12/08/2009	572.63
00050822	060260 FASTENAL COMPANY	12/08/2009	56.90
00050823	060765 FISHER-JAMES CO INC	12/08/2009	365.00
00050824	061500 FOSTER'S DAILY DEMOCRAT	12/08/2009	40.25
00050825	061525 FREIGHTLINER OF MAINE INC	12/08/2009	1,057.31
00050826	070280 GENERAL CODE PUBLISHERS	12/08/2009	5,218.70
00050827	070600 GEORGE GORMAN	12/08/2009	15.96
00050828	071086 GREAT WORKS FAMILY PRACTICE	12/08/2009	168.00
00050829	071107 GREENWOOD EMERGENCY VEHICLES	12/08/2009	262.00
00050830	071275 ANGELA GUILLETTE	12/08/2009	60.00
00050831	080248 HANSCOM'S TRUCK STOP INC	12/08/2009	4,232.22
00050832	080500 BEVERLY HASTY	12/08/2009	175.10
00050833	022665 C.E. HOLMES CONSTRUCTION	12/08/2009	825.00
00050834	081055 FERN HOULIARES	12/08/2009	224.09
00050835	081398 PAUL HUSSEY CORP INC	12/08/2009	502.36
00050836	090120 INLAND FISHERIES & WILDLIFE	12/08/2009	556.00
00050837	090460 INTERSTATE BATTERY/MAINE	12/08/2009	93.95
00050838	090480 INTERSTATE GLASS	12/08/2009	149.50
00050839	090587 IRWIN MOTORS	12/08/2009	25,224.00
00050840	100200 JEWETT/EASTMAN MEMORIAL COM	12/08/2009	239.00
00050841	100265 JJMACKAY DISPOSAL LLC	12/08/2009	186.50
00050842	100655 MICHELLE KARECKAS	12/08/2009	110.00
00050843	100820 FRED KEEN	12/08/2009	100.00
00050844	120970 LIBBY SCOTT INC.	12/08/2009	2,410.73
00050845	132400 MAINE SAD #35	12/08/2009	513,819.94
00050846	133375 MAINE ENERGY RECOVERY CO.	12/08/2009	1,272.57
00050847	132320 MAINE STATE LIBRARY	12/08/2009	182.25
00050848	133358 W.B.MASON	12/08/2009	935.02
00050849	133382 PAT MCLELLAN	12/08/2009	60.00
00050850	133402 MCR SERVICES LLC	12/08/2009	470.00
00050851	134400 MAINE MUNICIPAL ASSOCIATION	12/08/2009	154.50

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00050852	134601 EXXON/MOBIL	12/08/2009	236.09
00050853	134665 MONTROSE-SANFORD HYDRAULICS	12/08/2009	474.94
00050854	140227 NAT'L ACAD EMER DISPATCH	12/08/2009	5.00
00050855	140809 NEW ENGLAND COACH	12/08/2009	1,300.00
00050856	141080 NEXTEL	12/08/2009	75.59
00050857	141300 NO.BERWICK LUMBER & HARDWARE	12/08/2009	93.43
00050858	141380 NORTHEAST OFFICE FURNITURE	12/08/2009	616.00
00050859	141384 NORTHEAST PAGING/UCOM	12/08/2009	24.16
00050860	150290 OVERHEAD DOOR COMPANY	12/08/2009	95.00
00050861	160278 PHOENIX RECYCLING INC	12/08/2009	3,764.70
00050862	200700 PIKE INDUSTRIES INC	12/08/2009	479.68
00050863	160810 PORTLAND GLASS	12/08/2009	231.00
00050864	160900 PORTLAND NORTH TRUCK CENTER	12/08/2009	1,504.06
00050865	161265 PORTSMOUTH FORD	12/08/2009	192.30
00050866	180125 RANSOM ENVIRONMENTAL INC	12/08/2009	5,036.25
00050867	181668 DAVID S RUGER	12/08/2009	155.48
00050868	190529 CLINT SCHOFF	12/08/2009	47.24
00050869	192600 SO BERWICK PHARMACY	12/08/2009	12.50
00050870	193404 SO MAINE DIST#1 TRAINING COUN.	12/08/2009	500.00
00050871	193410 SO MAINE REGIONAL PLANNING CM	12/08/2009	1,885.50
00050872	193640 STAPLES	12/08/2009	217.44
00050873	200545 TERMINIX INTERNATIONAL	12/08/2009	163.00
00050874	201150 ANNMARIE TOWNSEND	12/08/2009	56.35
00050875	040495 TREAS, STATE OF ME/BIS	12/08/2009	170.02
00050876	132850 TREAS.STATE OF ME-LPI	12/08/2009	530.00
00050877	133105 TREASURER OF STATE/C.WPNS	12/08/2009	55.00
00050878	133113 TREASURER OF STATE/ATV	12/08/2009	616.50
00050879	133115 TREASURER,STATE OF ME/LIC	12/08/2009	120.00
00050880	201300 TWO-WAY COMMUNICATION SERV INC	12/08/2009	1,338.00
00050881	210380 UNITED PARCEL SERVICE	12/08/2009	29.75
00050882	230300 WALMART COMMUNITY BRC	12/08/2009	83.81
00050883	230915 WHITED TRUCK CENTERS	12/08/2009	240.57
00050884	241102 YORK HOSPITAL	12/08/2009	347.80
00050885	241109 YORK POLICE DEPARTMENT	12/08/2009	1,000.00
00050886	241112 TOWN OF YORK	12/08/2009	4,000.00
00050887	240900 YORK COUNTY REGISTRY OF DEEDS	12/08/2009	390.00
Total Not Prepaid			610,205.87
Total Prepaid			16,249.33
Grand Total			626,455.20

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: December 8, 2009	Item # UB 1A
Agenda Item: Discontinuance Request	
Town Manager's Recommendation	
<p>On November 23rd the Council heard comments on the discontinuance request presented by Mrs. Durkin. In order to proceed, Mrs. Durkin has requested some assurance that the Council is prepared to order this discontinuance barring any unforeseen concerns. Mrs. Durkin has already agreed to the cost estimate provided by Chris Vaniotis for legal work.</p>	
Requested Action	
<p>Motion to approve further legal work to facilitate the approval of this discontinuance request.</p>	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: December 8, 2009	Item # NB 1A
Agenda Item: SBPD/JAG Grant 2009	
Department Head Recommendation: Chief Dana P. Lajoie	
<p>Approval to accept the SBPD/JAG Grant 2009 for \$2,380.00 to purchase office fixtures such as file drawers, chairs, LCD wall mounts, desks, etc.</p> <p>There are no matching funds required.</p>	
Town Manager's Recommendation	
<p>Request the Council accept this grant award. I would like to commend the Police Department for their continued efforts to reduce overall costs by aggressively pursuing grant opportunities.</p>	
Requested Action	
<p>Accept Grant award from the Justice Assistance Council Grant Program in the amount of \$2,380 for police equipment.</p>	
Vote	

Justice Assistance Council Grant Program Sub-grant Program Revision Request

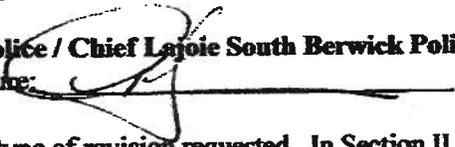
Sub-grantee: South Berwick Police Department

Sub-grant #:

Project Title: JAG 20009 Pass-Through

Date: November 17, 2009

Project Director: Chief Short Eliot Police / Chief Lajoie South Berwick Police

Signature: 

Instructions: Indicate in Section I the type of revision requested. In Section II provide justification for requested change.

SECTION I

- Project Period: Please revise the sub-grant to change the project period from ____ - ____ to ____ - ____ for reasons in Section II.
- Program Revision: Please revise the project content of the sub-grant as described in Section II.
- Other: Please describe request in Section II.

SECTION II (Revision Request Justification) Use continuation sheet if necessary

The original grant request submitted by the South Berwick Police Department sought the purchase of needed office equipment (to include desks) in order to assist in meeting with crime victims and establishing on line training centers. The South Berwick Police Department recently received an unexpected donation of numerous office desks by a local business. In order to best utilize this new equipment we are requesting to revise our grant to now be used for supporting office fixtures such as chairs and filing cabinets. Our current chairs are not compatible with the new ergonomically correct office desks and the desks lack the necessary storage space. The grant funding would be used to support and not supplant current local funding.

SECTION III

	Original		Revised	
	Federal	Match	Federal	Match
Personal Services				
Travel				
Equipment	2380.00		2380.00	
Consultant				
Other				
Total	\$0.00	\$0.00	\$0.00	\$0.00

Your Sub-grant Revision Request is: Disapproved Approved Approved with Conditions

Remarks/Conditions:

Notice: Retain this form in sub-grant file

Mary Lucia
11/24/09

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: December 8, 2009	Agenda Item # UB NB
Subject: Fogarty's Restaurant liquor license	
Information:	
Fogarty's current liquor license expires December 25th.	
Staff Comments/Recommendation:	
Chief Lajoie has been consulted and had no issues to report.	
Requested Action:	
Motion to approve the renewal of Fogarty's liquor license.	
Vote:	

**Department of Public Safety
Division**



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<u>BUREAU USE ONLY</u>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES 12/25/09

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Lawrence A. Fogarty</u> DOB: _____			2. Business Name (D/B/A) <u>FOGARTY'S RESTAURANT + BAKERY</u>		
<u>FOGARTY'S RESTAURANT INC</u> DOB: _____			Location (Street Address) <u>471 MAIN ST.</u>		
Address <u>35 Beaver Dam Rd</u>			City/Town <u>SO. BERWICK,</u>	State <u>ME</u>	Zip Code <u>03908</u>
DOB: _____			Mailing Address <u>Same</u>		
City/Town <u>So. Berwick</u>	State <u>ME</u>	Zip Code <u>03908</u>	City/Town	State	Zip Code
Telephone Number <u>384-8361</u>	Fax Number <u>384-2009</u>		Business Telephone Number <u>207-384-8361</u>	Fax Number <u>207-384-2009</u>	
Federal I.D.# <u>01-0464888</u>			Seller Certificate # <u>0253565</u>		

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

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Linda Brown, Deanna Foley, Dee Linscott
8. If business is NEW or under new ownership, indicate starting date: _____
- Requested inspection date: _____ Business hours: _____
9. Business records are located at: 471 MAIN ST. SO. BERWICK ME 03908
10. Is/are applicants(s) citizens of the United States? YES NO

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
① Lawrence A. Fogarty		
② Emily Brown		
③ Deanna Foley		

Residence address on all of the above for previous 5 years (Limit answer to city & state) ④ Dec Demers / 4/15/78 / Decima A

① SO BERWICK, ME ② SO BERWICK, ME ③ NORTH BERWICK, ME
④ RICHMOND, N.H.

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes No If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

Full service restaurant

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES NO Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 mi Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: Kennebunk Savings Bank - Mortgage

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

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

Dated at: So Berwick, ME on 11/30, 20 09

Town/City, State

Date

Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

NOTICE – SPECIAL ATTENTION

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

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
FILING FEE	\$ 10.00

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

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

STATE OF MAINE

Dated at: South Berwick, Maine York ss
City/Town (County)
On: December 8, 2009
Date

The undersigned being: X Municipal Officers County Commissioners of the
City X Town Plantation Unincorporated Place of: South Berwick, Maine

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE - SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

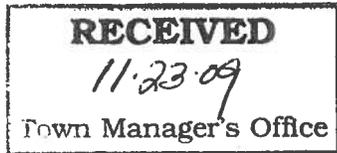
- 1. Hearing. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses.
A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau.
2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant.
A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

- 3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners.
A. [1993, c.730, §27 (rp).]
4. No license to person who moved to obtain a license. (REPEALED)
5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: December 8, 2009	Item # NB 2B
Agenda Item: County Commissioner's Request	
Town Manager's Recommendation	
The County Commissioners have requested the Town Council's input on the establishment of a York County Charter Commission. They have requested your response prior to January.	
Requested Action	
Council wishes	
Vote	



*Sallie V. Chandler, Chair
District 1*

*Richard R. Dutremble
District 2*

*Daniel C. Cabral
District 3*

*David E. Bowles
District 4*

*Gary A. Sinden
District 5*

**COUNTY COMMISSIONERS
COUNTY OF YORK**

45 Kennebunk Road
Alfred, Maine 04002

(207) 459-2313
Fax (207) 324-9494

*Richard B. Brown
County Manager*

*Kathryn A. Dumont
Exec Admin Assistant*

*Victoria C. Ridlon
Finance Director*

*Frank P. Wood
Treasurer*

*Rose M. Leeman
Deputy Treasurer*

November 18, 2009

Mr. John Schempf, Town Manager
Town of South Berwick
180 Main Street
South Berwick, ME 03908

Dear Mr. Schempf:

On behalf of the York County Commissioners I am requesting the municipal elected officials input on establishing a York County Charter Commission. York County Commissioners voted 5/0 to explore this request with all 29 cities and towns in York County. Hence this letter with the request, "Would the elected municipal officials support the establishment of a York County Charter Commission."

The Charter Commission would evaluate all aspects of York County governmental effectiveness and efficiencies during this charter process. The process will take approximately 2 years including the necessary county approval vote. The goal is to coordinate the election times to minimize costs for all towns. The County Commissioners are hopeful to address this final decision in early January on proceeding forward and would like your response prior to this January.

Thank you for your continued interest in supporting and improving County government.

Sincerely,

Sallie V. Chandler, Chair
On behalf of York County Commissioners

SVC/kad

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: December 8, 2009	Item # NB 2C
Agenda Item: Young Street Property	
Town Manager's Recommendation	
Attached you will find a memo from Terry Oliver outlining research completed and estimates gathered thus far for the Young Street Property.	
Requested Action	
Discussion	
Vote	

MEMO

TO: John

FROM: Terry

COMPANY: _____

AT: _____

SUBJECT: St. Micheal's

DATE: 11/23/09

John,

I have completed an estimate to install the underdrain around St. Michael's and to install the pump system to pump the water to the street. Hard costs for materials etc. are estimated to be \$10,750.00. Installation would take approximately 10 working days.

\$2,789.00 of the mold remediation estimate (\$20,747.57) would be for demo work.

Per my conversation with Marc Gagnon this morning, he would install the direct vent gas heater for \$2500.00 and estimates that it would consume no more than \$4,500.00 in fuel on an annual basis.