

**SOUTH BERWICK TOWN COUNCIL
PUBLIC HEARING
COMCAST DEFAULT
FEBRUARY 9, 2010**

Chairman David Burke opened the hearing at 6:30pm. Councilors present included Michelle Kareckas, Jean Demetracopoulos, Gerald W. MacPherson, Sr., and David H. Webster. Town Manager John B. Schempf was also in attendance. Comcast representatives Bryan Christiansen (Sr. Mgr Government & Community Relations) and Bob Carr (Director of Government Relations) were also present.

The purpose of the hearing was to determine whether Comcast has cured its default in failing to build-out certain local areas as required in Article 3 of the Franchise Agreement.

Mr. Christiansen gave a brief overview of the process for the build-out and apologized that Comcast did not complete the project as contracted. He stated that there are two pending **pole permit applications with CMP (covering numerous poles) and once the 'make ready' is complete**, Comcast should be able to finish the build-out within 6-8 weeks. He added that other utilities such as CMP & Fairpoint are involved; **however, the delay is Comcast's fault. Mr. Christiansen added that it is in Comcast's best interests to get the build-out completed.**

-Mary Breen, Old County Rd, asked where the 'make ready' work is being done. She went on to express her frustration at the lack of affordable high speed internet services currently available without cable.

-The Town Manager clarified that the term 'make ready' is an industry term that refers to the work that needs to be completed (such as moving electric & phone lines on poles) before Comcast can begin their portion of the project.

-Jane McLaughlin, Old County Rd, asked how many homes are affected by the build-out. Mr. Christiansen stated 300-330.

-Bob Carr stated that Comcast is in default of the contract; "we dropped the ball". Budgeting for the build-out was not done and therefore backed the entire project up.

-Richard Clough, Academy St, asked when the pole permits were applied for. Mr. Christiansen stated that they were not applied for until the fall of 2009. Mr. Carr stressed that this was due to the error in budgeting and Comcast is not blaming anyone but themselves.

-Sandy Agrafiotis, Emery's Bridge Rd, asked if the build-out would include lines to individual homes and how long after the project is complete will residents be able to access the services. Mr. Christiansen stated that as each neighborhood is ready, Comcast will go door-to-door to ask if residents are interested in service. Standard installations would not cost the individual home owner.

-Goerd Lambert, Thurrell Rd, asked if residents will be offered any specials. Yes. Mr. Lambert (later in meeting) also asked if deadlines were available from CMP. Mr. Christiansen stated that he has spoken with CMP on February 3rd and was not able to get anyone today.

-David Vokey, Ogunquit Rd, commented that he has seen trucks on his road.

-Andy Rackliff, Emery's Bridge Rd, asked why Comcast couldn't start its work in areas that have the make ready completed and not wait for the last permits. Mr. Carr stated that permitting and make ready go hand in hand; and without the approved permits Comcast doesn't have the authority to work on the poles.

-Jason King, Rodier Rd, stated that some of the frustration for residents is the lack of visible milestones. He asked if there were some way that residents could track the progress, such as a planning timetable.

-Carl Pehrsson, **Emery's Bridge Rd**, asked if Comcast could follow-up with the utilities on a regular basis. Mr. Christiansen stated that he is in contact with them daily, weekly, as frequently as possible. Mr. Burke, Council Chair, stated that the Council is not in contact with the utilities.

-Randi Dubois, Great Hill Rd, asked if there were a cost per foot for people with long driveways. Mr. Christiansen stated that there is no set cost. Every situation is different. **If the infrastructure already exists (poles) then the costs would be less. Anything over 200'-250' risks low signal strength to the house and would probably require additional equipment.**

-Deborah Kush-Harrison, Mountain Rd, asked if Comcast would be building-out all the roads in South Berwick. Mr. Christiansen stated that the roads agreed to in the 2008 contract would be completed.

-Sarah Grant, Old County Rd, asked if the people going door-to-door will know how much it **will cost and provide same in writing. Mr. Christiansen stated "absolutely". Mr. Carr made** note that Comcast does not work on a contract basis with individuals. The service is monthly and has a 30-day money back guarantee. Ms. Grant commented that she has a digital antenna that works well and the Town should look into wireless services.

-Steven Lizio, Ogunquit Rd, expressed his anger and frustration over the lack of confidence and trust in Comcast. He urged the Council to call the utilities to verify if what Comcast representatives are saying is true.

-Virginia Jennings, Earls Rd, urged the Council to pursue financial penalties for Comcast's default.

-Mary Breen, Old County Rd, **stated that the Comcast representatives' enthusiasm was** underwhelming and inspired zero confidence.

-Joseph Dallatore, Emery's Bridge Rd, stated that it is not acceptable that the Council would contract this service without looking at other options. He went on to say that if there are no penalties, the contract is worthless. He added that the Town should back out of the contract and pursue other options. Mrs. Demetracopoulos stated that the Council did call the bond. She added that the Council **doesn't want to jeopardize** the entire contract.

-Richard Clough, Academy St, clarified that the public hearing is part of the legal process. He stated that the Council should pursue the \$100,000 bond.

-Pam Roberts, Thurrell Rd, stated that she has never seen this level of anger, and urged the Council to stay on top of the issue.

-Tom Moore, Belle Marsh Rd, stated that he had seen trucks. He asked which roads would not be covered. It was explained that a list is available of the roads that will be built-out, but there is no list of the roads not covered.

-Bill Bolevic, Emery's Bridge Rd, stated that he called for service and was told no problem. However, when the tech arrived, he said that there was no service available on the road.

-Debra Springfield, Rodier Rd, stated that she had the same scenario as Mr. Bullock and it is very frustrating to take time off from work to be told the office was wrong. Better communication is needed within Comcast.

-Marian Demers, Belle Marsh Rd, stated that she hopes Comcast will make the promo offers very sweet.

-Norman Fortier, Rodier Rd, asked if current customers are being billed for the build-out. No. However, customers are being billed a nominal franchise fee that is returned to the Town.

-Jean Demetracopoulos, Oldfields Rd, asked of the 2 remaining permits how many poles are involved. Mr. Christiansen stated that he did not have that info with him but could provide it.

-Gerald MacPherson, Sr., Brattle St, stated that once Comcast has finished the build-out residents will still have to wait for installations. Mr. Christiansen stated that as areas are ready, connects can begin. Based on standard installation, connections can be made in 7-10 days.

-Wendy Rackliff, **Emery's Bridge** Rd, asked once the cable is complete how long before internet service is available. Mr. Christiansen stated that technically the contract is for cable TV, but internet and phone will be available immediately along with TV.

-Mary Breen, Old County Rd, asked if the Town would consider dropping Comcast and contract with someone else. Mr. Carr responded that Comcast does not have an exclusive license.

-Brian Bailey, Pave Street Rd, stated that he has seen trucks 4-5 months ago, but has seen nothing since.

-Doreen Bailey, Pave Street Rd, stated that it would have been nice for Comcast to have prepared a nice presentation with maps, etc. Mr. Carr explained that they could have come **with lots of "bells and whistles", but believes that could have led to more skepticism and** mistrust. He explained that Comcast is present to explain three things, they have an obligation, they have not met that obligation, and are working toward meeting that obligation.

-David Vokey, Ogunquit Rd, thanked the Comcast representatives for attending. He went **on to say that "it will be really nice to see the lines go up"**.

-Council Chairman Burke thanked Roberta Orsini for all of her hard work on the issue over the last year or so.

The hearing was closed at 8:05pm.

Attest:

Barbara Bennett, CCM

SOUTH BERWICK TOWN COUNCIL FEBRUARY 9, 2010

Chairman David Burke called the meeting to order at 8:10pm. Those present included Councilors Michelle Kareckas, Jean Demetracopoulos, Gerald W. MacPherson, Sr., and David H. Webster. Town Manager John B. Schempf was also in attendance.

APPROVAL OF MINUTES

1. Town Council 1-26-10: On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.
2. Special Town Council 2-2-10: On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was unanimously voted to adopt the minutes as written. Mrs. Demetracopoulos abstained.

SIGNING OF TREASURER'S WARRANT – February 9, 2010

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

PUBLIC COMMENT

1. Richard Clough, Academy St, stated the he felt the Council should call the Comcast performance bond; it is similar to a road bond sometimes required by Planning. Mr. Clough thanked the Council for discussing **and looking into TIF's** (tax increment financing). Mr. Clough received confirmation that a budget workshop schedule has not yet been set. Mr. Clough made note that the sign announcing Council meetings has not been put out for several months.
2. Virginia Jennings, Earls Rd, announced that the South Berwick GOP will hold its caucus at the Sanford High School on February 20th. Registration begins at 8:30am.

TOWN MANAGER'S REPORT

- Attended the County budget meeting. The County is looking to increase the amount paid by the towns by 10%. The managers were able to make suggestions as to where the County can find some of it.
- Met with Kittery & Eliot to discuss shared positions and services.
- Made note that even if the unions agree to a wage freeze the school district would still need an additional \$300,000 from South Berwick and Eliot.
- The Police Union contract will not be discussed or approved at tonight's meeting because both sides still have issues to be worked through.**
- The Town is changing health insurance companies. Aetna increased its rates by 30% and the service has not been good.
- Attended the York County Advocacy group meeting in Augusta with Councilor MacPherson. The group met with legislators to stress the importance of pushing for more focus on York County issues.
- Recently held workshops to discuss TIF's and the regional maintenance facility.**
- Informed everyone that the house at 25 Academy Street will be reconstructed but there will be some variations from the original structure.
- The recent Geograbee to raise funds for a hospital in Haiti was well attended. About \$7000 was raised.

NEW BUSINESS

1A. On a motion by Mr. Webster, seconded by Mrs. Kareckas, it was unanimously voted to renew the Solid Waste Hauler license for Oceanside Rubbish.

1B. No discussion or action taken.

1C. Mr. Schempf explained that the Town already participates in mutual aid and to be sure everyone is on the same page a written agreement has been drafted. Mrs. Demetracopoulos made a motion to authorize the Police Chief to sign the Southern Maine Special Response Team Memorandum of Understanding.

Mrs. Demetracopoulos asked if the MOU committed South Berwick financially. She also asked if non-participating towns can 'use the service'. Police Lieutenant Burbank stated that South Berwick currently has one officer to serve in that capacity and the bulk of his training is done and equipment is already in hand. Lt. Burbank also stated that the focus is to provide aid to participating members, however, other communities with a specific need could be helped. Lt. Burbank added that South Berwick would be able to bill for services in certain situations.

The motion passed unanimously.

1D. On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to accept Anne Stephenson's resignation from the Energy Efficiency Advisory Committee.

1E. On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the Fiscal Capacity Chapter of the Comprehensive Plan to include the following addendum:

Effective July 1, 2005 municipal spending is now limited by a new State Law – LD1. The goal of LD1 focuses attention on the year-to-year growth of the property tax commitment that relates only to municipal spending. (The school and county assessments are not included, as well as any TIF payments and overlay.) Increases are allowed in the property tax commitment but any increases are tied to a State growth factor (Total Personal Income) and the Town's individual property growth (assessment). The local legislative body (Town meeting) can authorize overriding the limit by either exceeding the limit (one time only) or increasing the limit (ongoing).

The assumption that the cost of providing municipal services increases in proportion to the rate additional property is created within the town is the law's basis for the Town portion of the LD1 formula. New value does not include any inflation based valuation increases or revaluations.

The implementation of LD1 has had a definite affect upon the Town's budgeting process. Projected revenues are no longer estimated at a conservative/low level. Initially, transfers from the Undesignated Fund were used to offset increases; the resulting depleted Fund balance, however, has created cash flow issues and currently is not used to supplement the budget. The cost of providing services has increased more rapidly the allowable LD1 increases and overrides to the formula have been presented to voters at Town meeting.

With limited growth with the Town, services and programs will have to be prioritized in order for the property tax commitment to remain within LD1 limits.

COUNCIL MEMBER COMMENTS

1. Mrs. Demetracopoulos:

- Asked that an executive session be scheduled to go over the **Manager's review**.
- Requested that the Council Chair meet with the Chairs of the Energy Efficiency Advisory, Recreation and Community Development Committees to get an update and promote good communication between the boards and council.
- Stated that the Town cannot absorb the school increases in our budget.
- Made note of an advertisement from Blow Brothers about dumpster services. (A letter will be sent informing them of our ordinance.)

2. Mr. Webster:

- Questioned the streets referenced in a recent DOT letter about resurfacing a portion of Route 4. It was determined that there was a typo and South Berwick is not affected.
- Commented that he recently visited the Town Forest and the logging is well underway.

3. Mrs. Kareckas:

- Asked for an update on the Florence Wentworth Fund. She questioned what it is used for and how can it be made to grow. *[The fund is set up to benefit the Fire Dept.]*

4. Mr. Burke:

-Commented that his meeting with the Chairs of the school board and Eliot focused on budget issues. The district is seeking a union vote to allow a wage freeze. The District will be accepting 10 tuition students in the fall.

-Thanked the staff for managing the health insurance issue.

-Congratulated the Moloney family for their efforts in organizing the Geograbee and the Marshwood Middle School for their Haiti fund raiser.

EXECUTIVE SESSION

1. On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to enter executive session at 8:40pm pursuant to 1MRSA §405.6C to discuss an economic development opportunity.

The Manager reported the following to the Clerk:

On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was unanimously voted to end the executive session at 9:13pm.

ADJOURNMENT

On a motion by Mrs. Demetracopoulos, seconded by Mrs. Kareckas, it was unanimously voted to adjourn the meeting at 9:14pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00049609	030420 AT&T MOBILITY	02/23/2010	-68.82
00051156	131700 MAINE CHIEFS OF POLICE ASSOC.	02/23/2010	-82.00
00051195	231800 WYNDHAM PORTLAND AIRPORT HOTEL	02/23/2010	-87.74
00051302	133050 TREAS,STATE OF MAINE/IV-D	02/23/2010	25.00
00051303	133050 TREAS,STATE OF MAINE/IV-D	02/23/2010	25.00
00051304	010285 ADMIRAL FIRE & SAFETY INC	02/23/2010	89.38
00051305	010336 AGGREGATE RECYCLING CORP	02/23/2010	2,034.44
00051306	030420 AT&T MOBILITY	02/23/2010	68.82
00051307	020075 BACK CHANNEL CANVAS INC	02/23/2010	221.50
00051308	020220 CATALINA BAKAS	02/23/2010	123.42
00051309	020225 BAKER & TAYLOR	02/23/2010	190.67
00051310	021300 BERNSTEIN SHUR	02/23/2010	2,690.22
00051311	022200 BOTACH TACTICAL	02/23/2010	69.40
00051312	022503 SHARON BRASSARD	02/23/2010	22.13
00051313	030510 CENTRAL MAINE POWER	02/23/2010	3,724.98
00051314	030920 CLEAN-O-RAMA	02/23/2010	1,134.73
00051315	031430 COMCAST	02/23/2010	95.00
00051316	031998 CRT PROCESSING	02/23/2010	551.71
00051317	032002 ONE COMMUNICATIONS	02/23/2010	1,107.06
00051320	032022 CUMBERLAND CTY SHERIFF	02/23/2010	120.00
00051321	040168 DICK DELANEY	02/23/2010	100.00
00051322	040500 VICTORIA DESILETS	02/23/2010	55.50
00051323	050798 ELIOT SMALL ENGINE REPAIR INC	02/23/2010	43.06
00051324	141000 FAIR POINT COMM	02/23/2010	129.74
00051325	061203 FOGARTY'S RESTAURANT	02/23/2010	40.00
00051326	061535 FRIENDS/SOBERW SR CTR	02/23/2010	407.19
00051327	010525 G&K SERVICES	02/23/2010	885.07
00051328	070200 P GAGNON & SON INC	02/23/2010	710.59
00051329	191330 HANNAFORD'S	02/23/2010	396.44
00051330	080248 HANSCOM'S TRUCK STOP INC	02/23/2010	676.78
00051331	081055 FERN HOULIARES	02/23/2010	195.02
00051332	081305 HSE GOULD	02/23/2010	391.40
00051333	090580 IRVING OIL	02/23/2010	79.58
00051334	100475 JORDAN EQUIPMENT CO	02/23/2010	196.84
00051335	141367 KONE INC	02/23/2010	175.50
00051336	121300 LINCOLN PRESS	02/23/2010	266.80
00051337	127000 CORRINE J MAHONY	02/23/2010	1,400.00
00051338	132404 MAINE SAD#60	02/23/2010	65.00
00051339	133375 MAINE ENERGY RECOVERY CO.	02/23/2010	2,319.83
00051340	132320 MAINE STATE LIBRARY	02/23/2010	110.50
00051341	133195 MAINE TURNPIKE AUTHORITY	02/23/2010	7.30
00051342	133358 W.B.MASON	02/23/2010	49.95
00051343	133398 S A MCLEAN & SONS	02/23/2010	640.00
00051344	134300 MAINE MUNICIPAL EMPLOYEES	02/23/2010	4,117.05
00051345	134601 EXXON/MOBIL	02/23/2010	360.18
00051346	140105 NAPA OF SOMERSWORTH	02/23/2010	650.16
00051347	140796 NEW ENGLAND ASSN/POLICECHIEFS	02/23/2010	60.00
00051348	150788 PARK PRINTERS	02/23/2010	219.00
00051349	200700 PIKE INDUSTRIES INC	02/23/2010	42.35
00051350	160692 POLAND SPRING	02/23/2010	61.99
00051351	160900 PORTLAND NORTH TRUCK CENTER	02/23/2010	108.69
00051352	180125 RANSOM ENVIRONMENTAL INC	02/23/2010	1,305.16
00051353	180185 RCP LLC	02/23/2010	387.50
00051354	180400 RED'S SHOE BARN INC	02/23/2010	314.07
00051355	190535 SUSIE SCOTT	02/23/2010	20.00
00051356	191060 SEXUAL ASSAULT SUPPORT SERVICE	02/23/2010	40.00

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00051357	191530 SIRCHIE FINGER PRINT LAB INC	02/23/2010	428.41
00051358	191950 SO BERWICK HOUSE OF PIZZA	02/23/2010	31.93
00051359	191900 SO BERWICK EMERGENCY RESCUE	02/23/2010	6,332.91
00051360	192600 SO BERWICK PHARMACY	02/23/2010	2,740.43
00051361	192900 SO BERWICK WATER DISTRICT	02/23/2010	52.00
00051362	193640 STAPLES	02/23/2010	157.44
00051363	194225 SULLIVAN TIRE INC	02/23/2010	504.92
00051364	194330 SUPERIOR FIRE PROTECTION INC	02/23/2010	173.00
00051365	200660 THOMSON WEST	02/23/2010	462.00
00051366	200680 TIGER DIRECT	02/23/2010	122.96
00051367	133107 TREAS,STATE OF MAINE/DEP	02/23/2010	155.00
00051368	201300 TWO-WAY COMMUNICATION SERV INC	02/23/2010	7,630.26
00051369	210650 US CELLULAR	02/23/2010	45.00
00051370	211500 VERIZON WIRELESS	02/23/2010	553.82
00051371	230300 WALMART COMMUNITY BRC	02/23/2010	437.73
00051372	241102 YORK HOSPITAL	02/23/2010	150.00
00051373	241109 YORK POLICE DEPARTMENT	02/23/2010	2,434.60
00051374	240900 YORK COUNTY REGISTRY OF DEEDS	02/23/2010	13.00
Total Not Prepaid			51,697.11
Total Prepaid			-188.56
Grand Total			51,508.55

WARRANT NUMBER _____ \$ 51,508.55 DATE 02/18/2010

* * * TREASURER'S WARRANT * * *

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

TOWN COUNCIL:

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 23, 2010	Item # UB 1A
Agenda Item: Discontinuance Request	
Department Head Recommendation: Roberta Orsini	
<p>Mrs. Durkin has requested the Town discontinue its interests in the portion of the former location of Rt. 91. A public hearing was held on 11/20/09 and all abutters were notified of that hearing. In accordance with the Council's action on 12/8/09 the attorney has completed the necessary paperwork to facilitate this request. The Planning Board has been notified via US Mail as required by Statute.</p> <p>As requested by the Council, Mrs. Durkin has paid the legal fees associated with this request. There is a positive balance remaining in the escrow after paying the January legal invoice.</p> <p>This discontinuance does retain an easement for public utilities.</p>	
Town Manager's Recommendation	
<p>Authorize the execution of the agreement and approve the order.</p>	
Requested Action	
<p>There is no reason to read the entire order. However, under Council Rule 3-17(G), all the councilors present should vote to dispense with the reading.</p> <ol style="list-style-type: none"> 1. Move to authorize the Town Manager to execute the Agreement Concerning the Discontinuance of the Former Location of Route 91. 2. Move to approve the Order of Discontinuance of a portion of the former location of Route 91. 	
Vote	

ORDER OF DISCONTINUANCE

The Municipal Officers of the Town of South Berwick having filed with the Town Clerk this Order of Discontinuance for the purpose of discontinuing a portion of the former location of Route 91 (between Route 236 and Brattle Street) as hereinafter described pursuant to the provisions of Section 3026 of Title 23 of the Maine Revised Statutes, and the Municipal Officers having given notice of said discontinuance to Patricia M. Durkin, Michael Ouellette and Julia Ouellette and to the municipal planning board, it is hereby:

ORDERED, that, pursuant to the provisions of Section 3026 of Title 23 of the Maine Revised Statutes, the Town of South Berwick, Maine does hereby discontinue and terminate all its interests, if any, except an easement for the installation, maintenance and repair of public utilities, in that portion of the former location of Route 91, which is bounded and described as follows:

That section of the way as shown on a Maine Department of Transportation Right of Way Map entitled State Aid Highway "1A", South Berwick, York County, Great Works Bridge over Great Works River, dated July 1959, on file in the Office of the Maine Department of Transportation, at its Office in Augusta, File No. 16-129, bounded and being more fully described as follows, to wit:

That section of the former location of Route 91 that lies between the present location of Route 236 and Brattle Street and lies between the following described limits:

Northerly Limit

A line fifty (50) feet southwesterly from the Route 236 Base Line and lies between Sta. 0+98 Rt. and Sta. 1+77 Rt.

Southerly Limit

A line fifty (50) feet northwesterly from and concentric and parallel with the revised State Aid Highway 1A Base Line and lies between Sta. 13+27 Lt. and Sta. 14+60 Lt.

Subject to any and all highway slopes and drainage structures of the State of Maine Department of Transportation that may be located upon or within the above described section.

FURTHER ORDERED, that no damages are awarded to any person by reason of this discontinuance of said portion of said way;

FURTHER ORDERED, that no public easement, except an easement for the installation, maintenance and repair of public utilities, shall remain in said portion of said way after its discontinuance.

MUNICIPAL OFFICERS OF THE
TOWN OF SOUTH BERWICK

State of Maine, ss.
County of York

_____, 2010

Then personally appeared the above named David Burke, Town Council Chair of the Town of South Berwick, Maine, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town.

Notary Public/Attorney at Law

**AGREEMENT CONCERNING DISCONTINUANCE
OF THE FORMER LOCATION OF ROUTE 91
(BETWEEN ROUTE 236 AND BRATTLE STREET)**

WHEREAS, Patricia M. Durkin has requested the Town of South Berwick to discontinue a portion of the former location of Route 91 (more particularly identified on Exhibit A attached hereto) pursuant to 23 M.R.S.A. §§ 2060 and 3026; and

WHEREAS, the Town of South Berwick as a condition precedent to discontinuance of said way requires a waiver of any claims which Patricia M. Durkin may have against the Town for such discontinuance, and further requires indemnity against any claim of abutters or other third persons arising out of or resulting from the discontinuance of said way;

WHEREAS, in order to ensure adequate sight lines for the safe passage of motor vehicles, the Town of South Berwick wishes to avoid the placement of any structures in the gore which will be left between the discontinued way and the current rights of way of Route 236 and Brattle Street;

NOW, THEREFORE, in consideration of the Town of South Berwick discontinuing its interests in said way, Patricia M. Durkin for herself, her heirs, successors and assigns agrees as follows:

1. Patricia M. Durkin hereby waives any claim for damages which she may have against the Town of South Berwick, its officers, officials, employees, and agents arising out of or resulting from the discontinuance of said way by the Town.
2. Patricia M. Durkin hereby agrees to indemnify and hold harmless the Town of South Berwick, its officers, officials, employees, and agents against any claims arising from abutting property owners or any other persons against the Town of South Berwick for damages arising out of or resulting from the discontinuance of said way by the Town of South Berwick.
3. Patricia M. Durkin agrees that she will not locate or cause to be located any structures of any kind whatsoever in the triangular piece of land bounded by the northeasterly sideline of said discontinued way, the southerly sideline of Route 236 and the westerly sideline of Brattle Street, as depicted on a Maine Department of Transportation Right of Way Map entitled State Aid Highway "1A," South Berwick, York County, Great Works Bridge over Great Works River, dated July 1959, on file in the Office of the Maine Department of Transportation, at its Office in Augusta, File No. 16-129, and illustrated as "No Build Area" on the copy of said plan attached hereto as Exhibit A. Patricia M. Durkin further agrees that the Town of South Berwick may have specific performance of this provision, including injunctive relief, in the event of a breach.

Patricia M. Durkin
1/27/10

Date: 1-27-10, 2010

Patricia M. Durkin
Patricia M. Durkin

Town of South Berwick

By: John Schempf
John Schempf, Its Town Manager

State of Maine District of Columbia
County of York

January 27, 2010

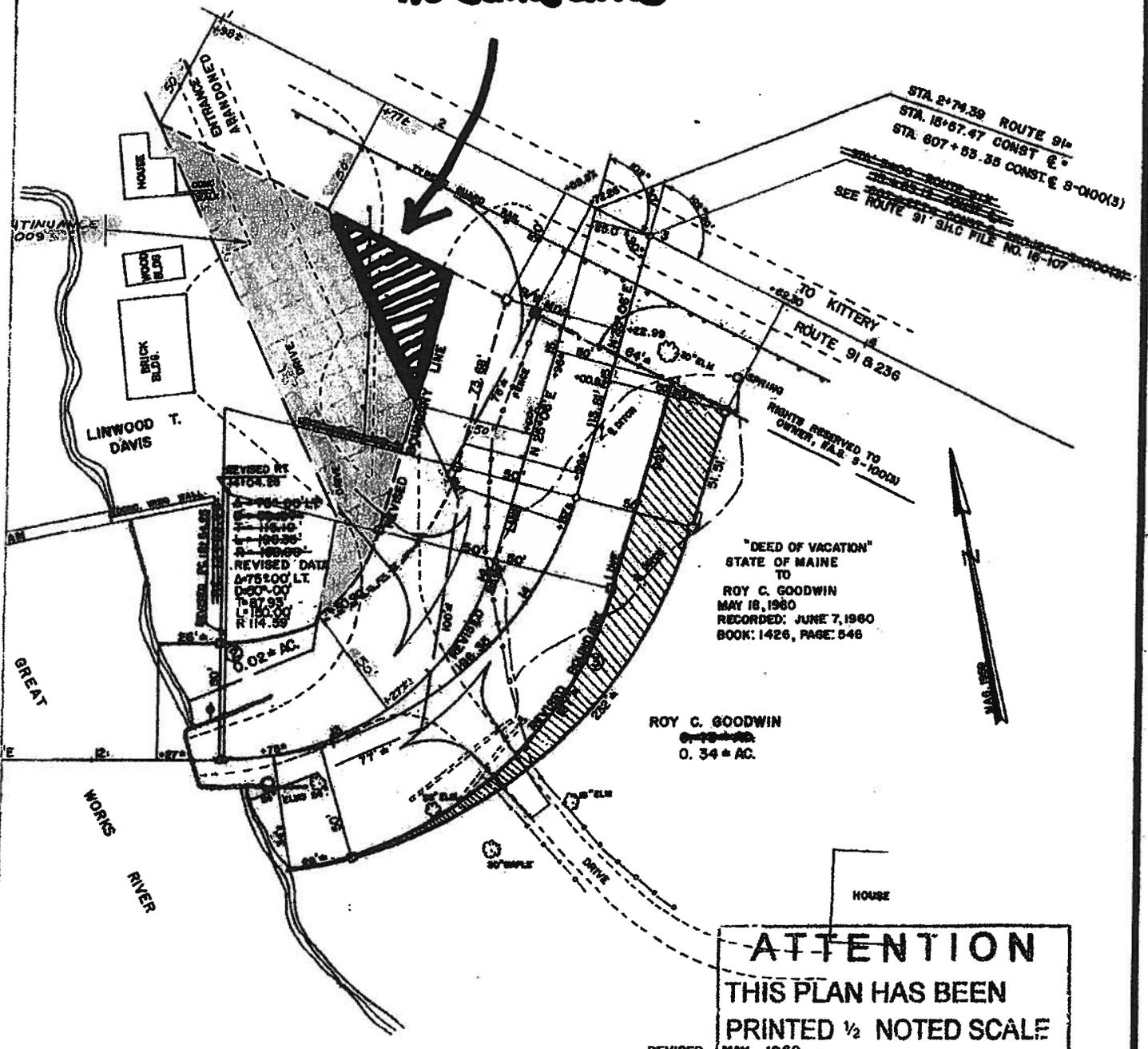
Personally appeared the above-named Patricia M. Durkin and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Christopher Lee Elder
Notary Public/Attorney-at-Law
My Commission Expires: May 31, 2014

CHRISTOPHER LEE ELDER
Notary Public, District of Columbia
My Comm. Expires May 31, 2014

no build area



ATTENTION
 THIS PLAN HAS BEEN
 PRINTED 1/2 NOTED SCALE
 REVISED MAY 1960

MAINE STATE HIGHWAY COMMISSION
 RIGHT OF WAY MAP

STATE AID HIGHWAY "1A"
 SOUTH BERWICK YORK COUNTY
 GREAT WORKS BRIDGE OVER GREAT WORKS RIVER

APPROVED: DAVID H. STEVENS CHAIRMAN
PERRY S. FURBUSH
R. LEON WILLIAMS

DATE: JULY 1959
 SCALE: 1 INCH = 30 FEET
 SHEET NO. 1 OF 1 SHEET
 S.H.C. FILE NO. 16-129

PLAN FILED IN PLAN BOOK 39 PAGE 27

NO.	GRANTOR	INSTRUMENT	DATE	BOOK	PAGE
1	ROCKY CORN PROGRAM CO. INC.	CONVEYANCE	7/27/59	161	108
2	LINWOOD T. DAVIS	DEED	12/14/60	187	119
3	ROY C. GOODWIN	DEED	11/19/60	188	418
		WARRANTY	6/7/60	193	288

Ex.A

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 23, 2010	Item # NB 1A
Agenda Item: Public Hearing: Planned Growth Ordinance (Chapter 102)	
Department Head Recommendation: Joe Rousselle	
<p>I recommend the Adoption for the next three years.</p> <p>I do not see any problems with the issuance of three permits/month.</p> <p>If and when the issue arrived it would be on a date that a completed application was received.</p>	
Town Manager's Recommendation	
<p>Maine Statutes require the number of growth permits available be recalculated every three years. These numbers are found in the Planned Growth Ordinance. To make the proper adjustments the Council is required to hold a public hearing.</p> <p>The proposed language is attached and has been reviewed by legal counsel.</p>	
Requested Action	
<p>Motion to schedule a public hearing on the Planned Growth Ordinance on March 9th at 6:30 pm.</p>	
Vote	

CHAPTER 102. PLANNED GROWTH

[HISTORY: HISTORY: Due to the fact the existing Planned Growth Ordinance is due to expire on March 26, 2010 and in order to remain consistent with the dates in this chapter, the updated Planned Growth Ordinance shall take effect on April 1, 2010. Adopted by the Town Council of the Town of South Berwick 2-9-2004 and amended on March 26, 2007. Editor's Note: This ordinance superseded former Ch. 102, Planned Growth, adopted 6-1-1988, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Aquifer protection — See Chapter [56](#).
Building construction — See Chapter [60](#).
Numbering of buildings — See Ch. [61](#).
Floodplain management — See Ch. [77](#).
Historic districts — See Ch. [84](#).
Subdivision of land — See Chapter [121](#).
Zoning — See Chapter [140](#).
Planning Board Bylaws — See Ch. [A148](#).

§ 102-1. Purpose.

The purposes of this chapter are in compliance with the Town of South Berwick's Comprehensive Plan and the State of Maine's Growth Management Act and are as follows:

- A. To provide for the local housing needs of South Berwick residents while accommodating growth at a rate that will ensure the safety and general welfare of the citizens of South Berwick.
- B. To provide for continued residential growth while also enabling the Town to provide for long-range natural resource protection and the future orderly growth of the Town.
- C. To provide for capital improvements in a manner which will tend to stabilize the rate of change in the tax rate.
- D. To avoid large-scale fluctuations in growth which could outstrip the Town's ability to provide adequate services.
- E. To provide for growth at a rate compatible with the orderly expansion of community services, including but not limited to sewage treatment, schools, municipal services and roads.
- F. To ensure fairness and equity in the distribution of building permits.
- G. To exempt from the provisions of this chapter the repair, replacement reconstruction or alteration of any existing building or structure.
- H. To maintain designated rural areas and promote infill development in designated growth areas.

§ 102-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANNUAL or ANNUALLY

Referring to a period of one year from the effective date of this chapter or from an anniversary of the effective date.

CONVEY

To seal, lease, rent, give, or allow occupancy of a dwelling unit.

DWELLING UNIT

A building or portion thereof providing complete housekeeping facilities for one family and which contains independent areas for living, cooking sleeping, bathing and sanitary facilities. The term shall not be deemed to include a recreational vehicle.

GROWTH PERMIT APPLICATION

An application designed to collect information about proposed residences, to be used as a basis for rating them for approval. Information includes but is not limited to length of ownership, location, size, soil conditions and relevant construction details. (See Appendix 1. *Editor's Note: This appendix is on file in the office of the Town Clerk.*)

MOBILE HOME

A factory-fabricated structure designed as a dwelling unit, mounted on a permanent chassis, with or without wheels, whether or not placed on a foundation. Mobile homes may be either singlewide or doublewide units. This term shall not include travel trailers, motor homes, or recreational vehicles.

STANDBY

The time period in which an applicant within a subdivision or multifamily dwelling unit must wait until he is eligible to draw additional growth permits.

§ 102-3. Conformity required; exceptions.

All new dwelling units, including new mobile homes, within South Berwick, whether permanent or seasonal, shall conform to the provisions of this chapter. No new dwelling unit, which fails to meet the requirements of this chapter, shall be constructed or placed within the Town of South Berwick. This chapter does not apply to any principal nonresidential uses, including hotels, motels, inns, lodging homes, commercial, office, institutional, or industrial uses. This chapter does not apply to a dwelling unit built on a lot to replace an existing dwelling unit that will subsequently be removed from the site. However, this chapter does apply to new accessory dwelling units attached to any principal nonresidential use, which shall conform to the requirements of this chapter.

§ 102-4. Maximum number of permits annually.

[Amended 1-8-2007]

The maximum total number of growth permits to be issued annually shall be ~~36~~, with a maximum number of ~~18~~ within a subdivision and a maximum number of ~~18~~ not within a subdivision. These numbers shall be subject to the review procedure set forth in § ~~102-11~~. ~~Three~~ of the permits are set aside for affordable housing, as defined by the Rules of the Maine Executive Department, State Planning Office, Chapter 100.

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§ 102-5. Exemptions.

[Amended 1-8-2007]

The provisions of this chapter shall not apply to valid, unexpired building permits issued prior to April 1, 20~~10~~.

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§ 102-6. Application procedure.

A. Applications for growth permits must be completed by the lot owner of record. Each growth permit application must be accompanied by a complete application for a building permit, demonstrating that the applicant has met all the requirements for issuance of a building permit under all other applicable ordinances, laws, rules, and regulations.

B. Applications shall be on forms provided by the Town of South Berwick (Appendix 1 *Editor's Note: This appendix is on file in the office of the Town Clerk*). The Code Enforcement Officer may request additional information and shall have the authority to require that the application be revised or supplemented in order to meet state or local requirements.

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C. Growth permit applications may be submitted to the Code Enforcement Officer during regular business hours, beginning with the morning after the effective date of this chapter.

§ 102-7. Issuance procedure.

The Code Enforcement Officer shall review all applications for completeness and accuracy; and, if found to be in order, he shall complete his entries, including the date and time of receipt.

A. Applications received by the Code Enforcement Officer by 5:00 p.m. on the last Monday of the month shall be rated in accordance with the point system outlined in Subsection G. The ~~three~~ highest rated applications for dwellings proposed to be built shall be identified and approved for a growth permit on the first Monday of the following month.

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B. Applications received between regular business hours on the first Monday of the month and regular business hours on the last Monday of the month shall be rated as in Subsection A above.

C. The Code Enforcement Officer shall rate and approve permit applications. A maximum of ~~three~~ permit applications shall be approved per month.

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D. In the event that fewer than ~~three~~ applications are received in the first month, or cumulative totals do not reach an average of ~~three~~ per month, applications may be approved up to the ~~three~~ per month cumulative total (carried over) until the end of one year after the effective date of this chapter, or after the most recent anniversary date of this chapter, providing the cumulative total does not exceed ~~36~~ total permits in each year.

Deleted: If there are fewer than the above stated amount in either category, the highest-rated applications in the other category shall be approved up to a total of four.

[Amended 1-8-2007]

E. Applications for multifamily dwelling units shall be rated and approved in the same manner as single-family dwelling units in accordance with § 102-7G; and for the purposes of this chapter, they shall be classified as dwelling units proposed to be built within a subdivision.

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F. Multifamily dwelling units require a separate growth permit application for each dwelling unit. Rating and approval shall be consistent with the system used for single-family dwelling units.

G. The point system for ranking growth permit applications shall be as follows:

(1) Soil suitability: one point shall be given if the depth to seasonal water table, to bedrock, to a restricting layer, or to any other limiting factor on original soil, documented on the HHE 200 form, is greater than 20 inches, and another one point shall be given if a second reserve septic leach field area on original soil is greater than 20 inches to any limiting factor documented on the HHE 200 form (this applies to single-family and duplex houses).

(2) On Town sewer: one point.

(3) On Town water: one point.

(4) On a road meeting Town standards, according to the South Berwick Subdivision Ordinance, *Editor's Note: See Ch. 121, Subdivision of Land.* or on a Town road: two points.

(5) Months since complete application received, for each full month: two points.

(6) Bonus point when in standby for each full month: one point.

NOTE: Any person submitting false information on an application shall void such application and not be eligible to apply for a growth permit application for a period of one year.

H. Growth permits which are not approved shall be automatically re-ranked and reconsidered during the following month(s).

I. After six growth permits for dwelling units have been issued in a subdivision through the provisions of this chapter, a standby period of three months shall elapse before growth permits may be issued again in that particular subdivision. Those growth permit applications in standby shall earn one bonus point per month in addition to the longevity point [see § [102-7G\(5\)](#)] until claimed. Subdivision or nonsubdivision growth permit applications may be left voluntarily in standby and shall continue to earn points in like manner.

§ 102-8. Growth permit application to include building permit application; expiration.

Each growth permit application must be accompanied with a complete building permit application. The building permit application will not be effective until a growth permit has been granted. It shall be the responsibility of the applicant to convert the approved growth permit to a building permit, including the payment of all fees. Any growth permit not converted to a building permit within 90 days of approval will expire. The applicant must then reapply for a growth permit. The expiry of the building permit shall be in conformity with the South Berwick Zoning Ordinance. *Editor's Note: See Ch. [140](#), Zoning.*

§ 102-9. Title.

This chapter shall be known as the "Planned Growth Ordinance of South Berwick" and will be referred to herein as the "chapter."

§ 102-10. Authority.

This chapter is adopted pursuant to the home rule powers as provided for in Article VIII-A of the Maine Constitution and to 30-A M.R.S.A. § 3001 through § 3007, and also to the South Berwick Town Charter, Article II, Section 3, and Article VIII, Section 2.

§ 102-11. Periodic review.

[Amended 1-8-2007]

The operation and administration of this chapter shall be subject to review by the South Berwick Town Council on a yearly basis to ensure that the distribution of permits is occurring in a fair and equitable manner, and also to review the maximum growth rate and the Town's responsibility in planning, developing and implementing those municipal systems to accommodate growth in an orderly fashion so as to maintain the public health, safety and welfare, in accordance with the Town's Comprehensive Plan.

§ 102-12. Nontransferability; exception.

Growth permit applications shall be site-specific and shall be valid for construction only on the lot specified on the application. However, said applications shall be transferable to new owners of the lot should the property be conveyed.

§ 102-13. Conflict with other provisions.

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

§ 102-14. Sunset provision.

This chapter shall automatically terminate on the third anniversary of its effective date, unless specifically extended by a vote of the South Berwick Town Council, following the procedures outlined in the South Berwick Town Charter Article II, Section 11.

§ 102-15. Amendment procedure.

Any amendment to this chapter must follow the procedures outlined in Article II, Section 11, of the South Berwick Town Charter.

§ 102-16. Appeals.

An appeal may be taken from any decision of the Code Enforcement Officer to the Board of Appeals in accordance with Article VI of the South Berwick Zoning Ordinance *Editor's Note: See Ch. 140, Zoning.* and from the Board of Appeals to the Superior Court as provided by Maine Revised Statutes Annotated.

§ 102-17. Prohibited acts.

A. It shall be a violation of this chapter for any person, firm, or corporation to build or place a dwelling unit within the Town, without first having obtained a growth permit from the Code Enforcement Officer, unless such construction or placement constitutes an exception under this chapter.

B. If a dwelling has been constructed or placed without a growth permit, it shall also be a violation for any person, firm, or corporation to convey such dwelling.

§ 102-18. Enforcement; violations and penalties.

A. Any person, firm, or corporation owning or controlling any dwelling units being constructed in violation of this chapter commits a civil violation and, upon being found liable, shall be subject to fines and penalties as set forth in 30-A M.R.S.A. § 4452. Each day the violation continues after notice from the Code Enforcement Officer shall be a separate violation.

B. If a dwelling unit has been built in violation of this chapter and is occupied, the builder commits a civil violation, and upon being found liable, shall be subject to fines and penalties as set forth in 30-A M.R.S.A. § 4452. Each day the violation continues after notice from the Code Enforcement Officer shall be a separate violation.

§ 102-19. Applicability.

Notwithstanding the provisions of 1 M.R.S.A. § 302, this chapter shall apply to actions and proceedings, including, without limitation, applications for building permits, applications for subdivision approval, applications for conditional use permits, applications for shoreland zoning permits, and applications for variances, pending on the effective date of this chapter.

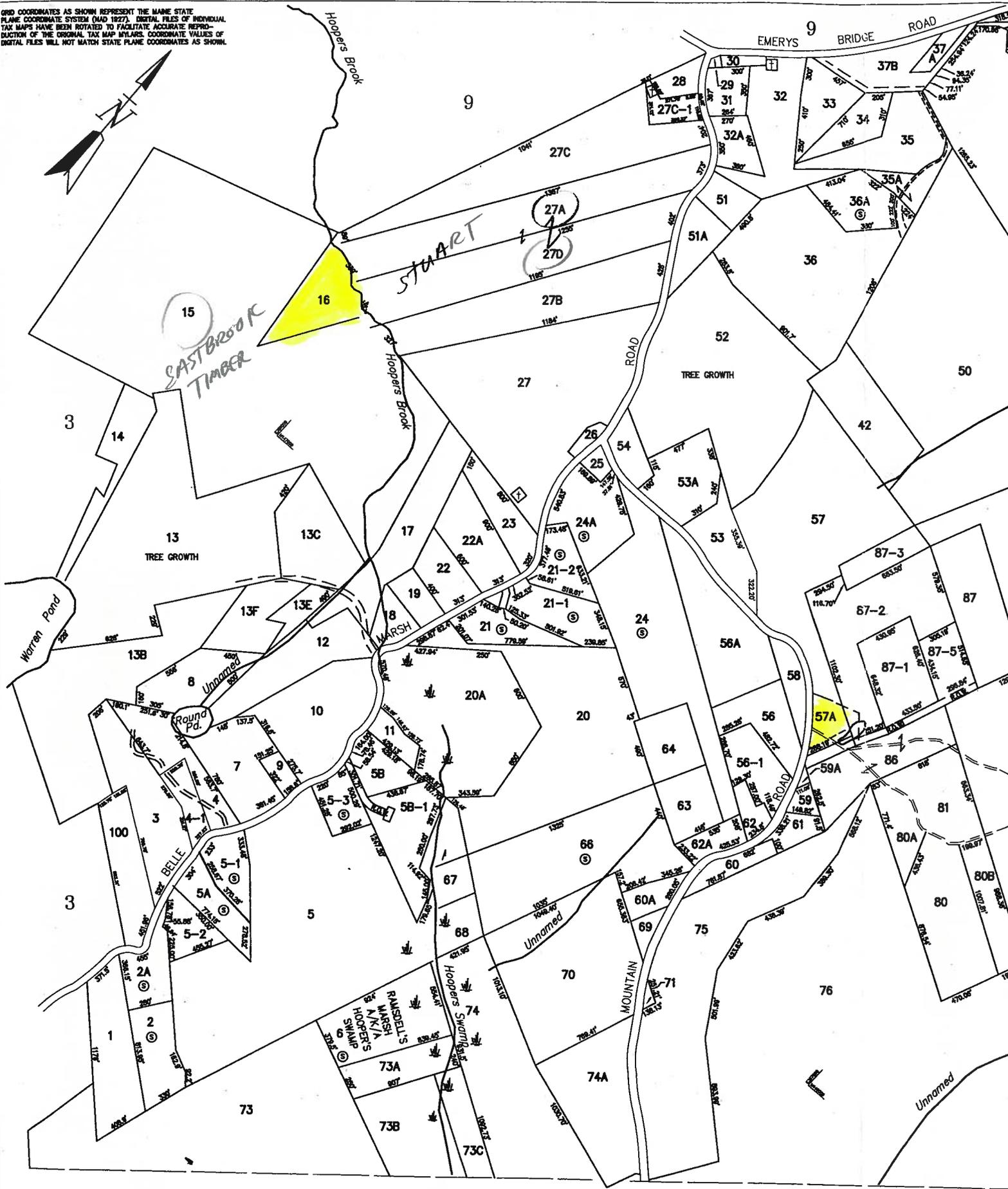
Growth Permit Recalculation

Year	Single Family	Manufactured	No Distinction	Total/Year
2009	12	3		15
2008	15	3		18
2007	10	6		16
2006	22	4		26
2005	24	7		31
2004	30	11		41
2003	21	14		35
2002	43	3		46
2001			40	40
2000			51	51
Total				319
New calculation=mean over ten years X 1.05%				33.495
Growth Permits				33
# of Affordable Housing Permits				3
Total Growth Permits				36

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 23, 2010	Item # NB 1B
Agenda Item: Disposal of Foreclosed Properties (2)	
Department Head Recommendation: Deputy Tax Collector	
<p>Town Council to decide how to dispose of foreclosed properties per Town of So Berwick Code Chapter A158-2 Disposal of Tax-Acquired Property</p> <p>Dec 11, 2009, the Town foreclosed on two properties. (Land Only) The owners did not redeem property during the 30 day redemption period ended 1/15/2010</p> <p>Map 4 Lot 57-A - 47 Mountain Road, 3.85 Acres, Former Owner Paul Nicol No survey Uncertain of potential use, Assessed Value 107,100</p> <p>Map 4 Lot 16 - Off Emerys Bridge Road, 5.4 Acres, Former Owner Chadwick Lawrence No survey, runs along Hoopers Brook, R.O.W. Unknown, Assessed Value \$9,300</p>	
Town Manager's Recommendation	
Lot 57A: Retain until others resolve boundary issues.	
Lot 16: Request bids from adjacent owners; sell to highest bidder.	
Requested Action	
<ol style="list-style-type: none"> 1. Motion to retain the property known as Map 4 Lot 57-A pending resolution of the boundary. 2. Motion to request bids and sell the property known as Map 4 Lot 16 to the highest bidder. 	
Vote	

GRID COORDINATES AS SHOWN REPRESENT THE MAINE STATE PLANE COORDINATE SYSTEM (MAD 1927). SERIAL FILES OF INDIVIDUAL TAX MAPS HAVE BEEN ROTATED TO FACILITATE ACCURATE REPRODUCTION OF THE ORIGINAL TAX MAP MYLARS. COORDINATE VALUES OF DIGITAL FILES WILL NOT MATCH STATE PLANE COORDINATES AS SHOWN.



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE COORDINATE SYSTEM SHOWN IS THE MAINE STATE PLANE COORDINATE SYSTEM (MAD 1927). COORDINATE VALUES WERE DETERMINED BY FIRST MATCHING THE INDIVIDUAL PROPERTY MAPS AND THEN RELATING THOSE DATA CARTOGRAPHICALLY TO WELL DEFINED GEOGRAPHIC FEATURES SHOWN ON THE U.S. GEOLOGICAL SURVEY MAPS OF SOUTH BERKSHIRE. THE MAP COORDINATE VALUES SHOULD BE USED FOR GENERAL PURPOSES ONLY.

ORIGINAL MAPS BY JAMES W. SEWAL COMPANY - NOTICED BY CARTOGRAPHIC ASSOCIATES, INC.

REVISIONS BY

CIVIL CONSULTANTS

ENGINEERS - SURVEYORS - PLANNERS

P.O. BOX 100 - 293 MAIN STREET - SOUTH BERKSHIRE, MAINE 03906
(207) 384-2550 - FAX (207) 384-2112

YORK LEGEND					
PARCEL NUMBER	10	RECORD DIMENSION	100'	COMMON OWNERSHIP
ADJACENT MAP	7	SCALED DIMENSION	±	MATCH LINE
SURFACE WATER		SURVEYED PARCEL	⊙	WETLANDS	⊙

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1 of 1

TOTAL ASSESSED: 107,100

Map

Lot

Sub

Typ

CARD

1492!

SOUTH BERWICK, MAIN



PROPERTY LOCATION

No	Alt No	Direction/Street/City
47		MOUNTAIN ROAD, SOUTH BERWICK

OWNERSHIP

Owner 1: NICOL, PAUL G.
Owner 2:
Owner 3:
Street 1: 923 WINTER STREET
Street 2:
Twn/City: HANSON
St/Prov: MA Cntry Own Occ:
Postal: 02341 Type:

PREVIOUS OWNER

Owner 1:
Owner 2:
Street 1:
Twn/City:
St/Prov: Cntry
Postal:

NARRATIVE DESCRIPTION

This Parcel contains 3.85 ACRES of land mainly classified as VAC LOT

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Descp	%	Item	Code	Descp
Z	R5	RES-AGAM	100	U		
o				t		
n				i		
Census:				Exmpt		
Flood Haz:						
D				Topo		
s				Street		
t				Traffic		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infru	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
800	VAC LOT		1		ACRES	SITE		0	95,000.	1.000	RA									95,000						95,000	
800	VAC LOT		2.85		EXCESS AC	EXCESS	1.0	0	3,600.	1.179	RA									12,099						12,100	

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description	User Acct
800			3.850	107,100	107,100		L0011R
Total Card							GIS Ref
Total Parcel							GIS Ref
Source: Market Adj Cost							Insp Date
Total Value per SQ unit /Card: N/A							06/16/05
/Parcel: N/A							
Entered Lot Size							
Total Land: 3.85							
Land Unit Type: AC							

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2009	800	FV		0	3.85	107,100	107,100	107,100	Year End	8/24/2009
2008	800	FV		0	3.85	107,100	107,100	107,100	year end	8/15/2008
2007	800	FV		0	3.85	107,100	107,100	107,100		9/6/2007
2007	800	TV		0	3.85	107,100	107,100	107,100	Year End Roll	8/6/2007
2006	800	FV		0	3.85	103,100	103,100	103,100	Year End	8/21/2006
2005	800			0	3.85	74,100	74,100	74,100	Year End Roll	6/13/2005
2005	800	FV		0	3.85	74,100	74,100	74,100	Year End Roll	7/28/2005
2005	800	TV		0	3.85	74,100	74,100	74,100	Year End Roll	6/9/2005

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
	7281-304		1/1/1950	OTHER		0	No	No		

BUILDING PERMITS

Date	Number	Descp	Amount	C/O	Last Visit	Fed Code	F. Descp	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
6/16/2005	VACANT	009	

Sign: VERIFICATION OF VISIT NOT DATA

Total AC/HA: 3.85 Total SF/SM: 167706.00 Parcel LUC: 800 VAC LOT Prime NB Desc RURAL AVG

Total: Spl Credit: Total:

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro

apro

2010

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Map

016
Lot

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Sub

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Typ

1 of 1
CARD

TOTAL ASSESSED: 9,300
1437!

SOUTH BERWICK, MAIN



PROPERTY LOCATION

No	Alt No	Direction/Street/City
0		EMERY'S BRIDGE ROAD, SOUTH BE

OWNERSHIP

Owner 1: CHADWICK, LAWRENCE
Owner 2:
Owner 3:
Street 1: PO BOX 206
Street 2:
Twn/City: YORK BEACH
St/Prov: ME Cntry Own Occ:
Postal: 03910 Type:

PREVIOUS OWNER

Owner 1:
Owner 2:
Street 1:
Twn/City:
St/Prov: Cntry Own Occ:
Postal:

NARRATIVE DESCRIPTION

This Parcel contains 5.4 ACRES of land mainly classified as VAC REAR

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Descp	%	Item	Code	Descp
Z	R3	RES-TRAN	100	U		
o				t		
n				i		
Census:				Exmpt		
Flood Haz:						
D				Topo		
s				Street		
t				Traffic		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infru	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
801	VAC REAR		5.4		EXCESS ACREAR		0.5	0	3,600.	0.478	RA									9,288						9,300	

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description	User Acct
801			5.400	9,300	9,300		N0220R
							GIS Ref
							GIS Ref
							Insp Date
							06/16/05
Total Card			5.400	9,300	9,300	Entered Lot Size	
Total Parcel			5.400	9,300	9,300	Total Land: 5.4	
Source: Market Adj Cost		Total Value per SQ unit /Card: N/A		/Parcel: N/A		Land Unit Type: AC	

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2009	801	FV		0	5.4	9,300	9,300	9,300	Year End	8/24/2009
2008	801	FV		0	5.4	9,300	9,300	9,300	year end	8/15/2008
2007	801	FV		0	5.4	9,300	9,300	9,300		9/6/2007
2007	801	TV		0	5.4	9,300	9,300	9,300	Year End Roll	8/6/2007
2006	801	FV		0	5.4	9,300	9,300	9,300	Year End	8/21/2006
2005	801			0	5.4	9,300	9,300	9,300	Year End Roll	6/13/2005
2005	801	FV		0	5.4	9,300	9,300	9,300	Year End Roll	7/28/2005
2005	801	TV		0	5.4	9,300	9,300	9,300	Year End Roll	6/9/2005

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
	9371-343		3/1/1999	OTHER	2800	No	No			

BUILDING PERMITS

Date	Number	Descp	Amount	C/O	Last Visit	Fed Code	F. Descp	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
6/16/2005	VACANT	009	

Sign: VERIFICATION OF VISIT NOT DATA

Total AC/HA: 5.4 Total SF/SM: 235224.00 Parcel LUC: 801 VAC REAR Prime NB Desc RURAL AVG

Total: Spl Credit: Total:

1) THE PURPOSE OF THIS PLAN IS TO DEPICT A LOT DIVISION OF THE LANDS OF SUSAN V. BROOKES IN SOUTH BERWICK, YORK COUNTY MAINE AS DESCRIBED IN THE YORK COUNTY REGISTRY OF DEEDS (Y.C.R.D.) BOOK 14318 PAGE 180.

2) THE ORIGINAL PREMISES IS A PARCEL OF LAND LOCATED IN THE TOWN OF SOUTH BERWICK AND CONSIDERED A PORTION OF TAX MAP 4 LOT 87 (OWNERS UNKNOWN) AND IS ALSO A PORTION OF LOT TWO, RANGE TWO PER INFORMATION GATHERED IN THE YORK COUNTY REGISTRY OF DEEDS AND REFERENCE PLAN NO. 1.

3) RESEARCH OF THE ORIGINAL TRACT AS WELL AS THE SURROUNDING PARCELS HAS REVEALED THE FOLLOWING ANTIQUITIES:

A. NEBULOUS PARCEL DESCRIPTIONS COUPLED WITH MISINFORMED LOT OWNERS AND / OR INCORRECT LOT LOCATIONS WERE CORRECTED BY SUPERIOR COURT CIVIL ACTION DOCKET NO. 09-82-747 RECORDED 1/27/84. SUBJECT PARCEL DESCRIPTIONS WERE TO CORRECTIVE DEED BOOK 12723 PAGE 203 DATED 4/10/03 AND AFTER DEED BOOK 2144 PAGE 829 DATED 8/18/78 ARE CONSIDERED INVALID FOR THIS SURVEY.

B) IT WAS DETERMINED DURING THE COURSE OF RESEARCH AND ANALYSIS THAT BY UTILIZING THE DESCRIPTIONS FORMULATED IN THE 1820'S DUE TO THEIR DETAIL, THE ABILITY TO PLACE THEM ON THE GROUND AT THAT TIME WITH SOME DEGREE OF CERTAINTY WAS REDUCED. THIS RETRACEMENT SURVEY WAS BASED ON THIS ASSUMPTION AND CARRYING THESE DESCRIPTIONS FORWARD TO PRESENT.

C) PARCEL EVIDENCE OBTAINED THROUGH THE COURSE OF THIS SURVEY HAS INDICATED THAT THE LANDS OF THE AREA FOR THE MOST PART BEEN USED AND CONSIDERED AS WOODED FOREST LANDS.

4) THE ORIGINAL PARCEL IS ENCUMBERED BY THE FOLLOWING CONFLICTS:

A) AN APPARENT GAP BETWEEN THE SUBJECT PARCEL AND LANDS NOW FORMERLY OF LEE. AREA = 73,000 SQ. FT. OR 1.7 ACRES.

B) AN APPARENT OVERLAP WITH LANDS NOW OR FORMERLY OF THE STATE OF MAINE. AREA = 16,350 SQ. FT. OR 0.4 ACRES.

C) THE RANGEWAY AS SHOWN ON REFERENCE PLAN 1 ("PLAN OF THE OUTER COMMONS" SURVEYS FROM 1816 (REF. PLAN 2) TO DATE DO NOT RECOGNIZE THAT A RANGE WAY EXISTS BETWEEN RANGE 2 AND 3. AREA = 71,200 SQ. FT. OR 1.6 ACRES.

D) AN APPARENT OVERLAP WITH LAND NOW OR FORMERLY OF LEE. AREA = 133,800 SQ. FT. OR 3.1 ACRES.

E) AN APPARENT GORE WITH LAND NOW OR FORMERLY OF LEE. AREA = 20,800 SQ. FT. OR 0.5 ACRES.

IT IS RECOMMENDED THAT BOUNDARY LINE AGREEMENTS WITH ALL EFFECTED PARTIES BE OBTAINED TO REDUCIBLE THESE CLOUDED AREAS UNCOVERED BY THIS SURVEY.

5) BASIS OF BEARING IS PER REFERENCE PLAN 1.

6) ZONING DISTRICT: RESIDENTIAL 5 (R5) MINIMUM LOT SIZE: 130,880 S.F. (3 AC) MINIMUM STREET FRONTAGE: 300' FRONT SETBACK: 50' SIDE AND REAR SETBACK: 50' MAXIMUM LOT COVERAGE: 15%

7) EASEMENTS AND RIGHTS-OF-WAY AS SHOWN ARE THOSE FOUND DURING OUR RESEARCH OF THE SUBJECT PROPERTY AND ADJUTING TRACTS. OTHER EASEMENTS, RIGHTS AND RESTRICTIONS MAY EXIST WHICH MAY BE DISCLOSED BY A FULL TITLE EXAMINATION.

8) THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND DURING OCTOBER THROUGH DECEMBER OF 2004.

9) IT IS RECOMMENDED THAT THE FOLLOWING BE ACCOMPLISHED:

A) A SOIL SCIENCE/PERFORM SITE INVESTIGATIONS FOR THE PROPOSED LOT

B) ACCESS TO THE PROPOSED LOT BE INVESTIGATED BY A PROFESSIONAL ENGINEER.

C) AN ATTORNEY'S OPINION BE SOUGHT REGARDING TRANSFER OF THE PROPERTY.

10) THE FOLLOWING ARE EXCEPTIONS TO PART 2 OF THE STANDARDS OF PRACTICE (CHAPTER 80) SET FORTH BY THE BOARD OF LICENSED PROFESSIONAL LAND SURVEYORS:

A) NO REPORT OF PROPERTY WAS WRITTEN

B) NO LAND DESCRIPTION WAS WRITTEN

LIST OF ABUTTERS

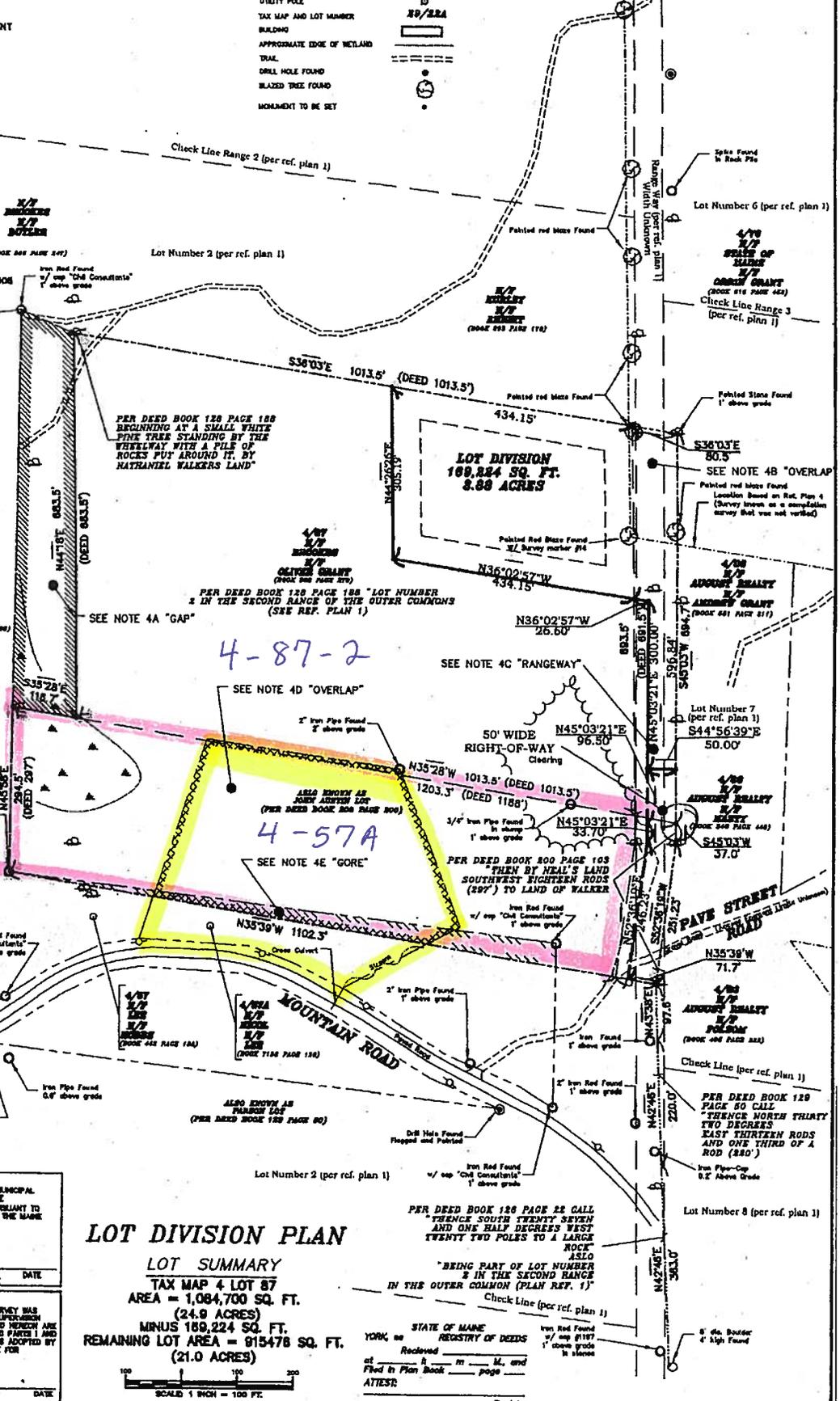
TAX MAP 4 LOT 78 STATE OF MAINE DEPARTMENT OF INLAND FISHERIES 41 STATE HOUSE STATION AUGUSTA, MAINE 04333 Y.C.R.D. 8244/ 117

TAX MAP 4 LOT 86 AUGUST REALTY INC. 21 OLD ROUTE 4 BERWICK, MAINE 03901

TAX MAP 4 LOT 57A PAUL NICOL 923 WINTER STREET HANSON, MA 02341 Y.C.R.D. 7281/304

TAX MAP 4 LOT 58 ANNA MAISE DAVIS 44 MOUNTAIN ROAD SOUTH BERWICK, MAINE Y.C.R.D. 11018/106

TAX MAP 4 LOT 57 JEFFERY LEE 30 MOUNTAIN ROAD SOUTH BERWICK, MAINE 03906 Y.C.R.D. 7271/001



LOT DIVISION PLAN
LOT SUMMARY
 TAX MAP 4 LOT 87
 AREA = 1,084,700 SQ. FT. (24.9 ACRES)
 MINUS 189,224 SQ. FT. REMAINING LOT AREA = 915,476 SQ. FT. (21.0 ACRES)

THIS PLAN DOES NOT REQUIRE MUNICIPAL REVIEW AND DOES NOT MEET THE DEFINITION OF "MUNICIPAL" PURSUANT TO TITLE 30-A, SECTION 4401.4 OF THE MAINE REVENUE STATUTES.

DATE IMPROVEMENT OFFERED BY: _____ DATE _____

CERTIFICATION
 I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND THAT THE RESULTS EXPRESSED HEREON ARE IN COMPLIANCE WITH CHAPTER 80 PARTS 1 AND 2 OF THE SURVEY STANDARDS AS ADOPTED BY THE BOARD OF LICENSED PROFESSIONAL LAND SURVEYORS.

JAMES H. MARCHESE P.L.S. 2338 DATE _____

STATE OF MAINE
 REGISTRY OF DEEDS
 Received _____ m _____ M, and
 Filed in Plan Book _____ page _____
 ATTEST: _____
 Registrar

DATE: 08-04-05	SCALE: 1" = 100'	LOT DIVISION PLAN LANDS OFF MOUNTAIN ROAD SOUTH BERWICK, MAINE TAX MAP 4 LOT 87	CLIENT: SUSAN V. BROOKES PO BOX 283 CAPE NEDDICK, MAINE	NOT VALID UNLESS SIGNED AND OR ENCLOSED		NO. DATE REVISION	
DWG. NO. 1	JOB NO. 04-0524		DEED HOLDER: SUSAN V. BROOKES CAPE NEDDICK, MAINE BOOK 14318, PAGE 180	JAMES H. MARCHESE P.L.S. 2338 FOR AND ON BEHALF OF CH CONSULTING ENGINEERS, INC.		DRAWN: GDM	DESIGNED: _____

Deed description 004 - 057A

OVERLAPPED PROPERTY AS INDICATED ON SURVEY

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 23, 2010	Item # NB 1C
Agenda Item: Criminal Forfeiture	
Department Head Recommendation: Chief Dana P. Lajoie	
Approval of transfer of forfeiture assets.	
Town Manager's Recommendation	
Accept forfeiture.	
Requested Action	
Motion to accept criminal forfeiture as outlined in Docket No CR-08-2916.	
Vote	

JANET T. MILLS
ATTORNEY GENERAL



REGIONAL OFFICES:
84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE, 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

44 OAK STREET, 4TH FLOOR
PORTLAND, MAINE, 04101-3014
TEL: (207) 822-0260
FAX: (207) 822-0259
TDD: (877) 428-8800

TEL: (207) 626-8800
TTY: 1-888-577-6690

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006
February 4, 2010

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE, 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

Chief Dana Lajoie
South Berwick Police Department
180 Main Street
South Berwick, ME 03908

RE: State of Maine vs. Christopher Anderson
York County Superior Court Doc. No. CR-08-2916 - **Criminal Forfeiture**
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Lajoie:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

- A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**
- B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;
- C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law

enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Tucker for".

Amber Tucker
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
York, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-08-2916

State of Maine	}	
	}	Municipality of South Berwick
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Christopher Anderson,	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,037.00 U.S. Currency,	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of South Berwick, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) In Rem (\$518.50), or any portion thereof, on the grounds that the South Berwick Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of South Berwick, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the South Berwick municipal legislative body on or about _____.

Dated: _____

Municipal Officer
South Berwick, Maine
(Impress municipal legislative body seal here)

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 23, 2010	Item # NB 1D
Agenda Item: Police Union Contract	
Town Manager's Recommendation	
<p>In accordance with the Council's wishes, I have negotiated a new Union Agreement with the South Berwick Police Patrol Officers, Sergeants and Dispatchers. It is before you today for adoption.</p>	
Requested Action	
<p>Motion to approve and sign the Police Union Agreement effective July 1, 2009 through June 30, 2012.</p>	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 23, 2010	Item # NB 1E
Agenda Item: TIF	
Town Manager's Recommendation	
<p>Following our TIF workshop I have been reviewing the information with staff. We have an opportunity to capture the new value for the CMP replacement lines installed last year in addition to the new value of the CMP expansion which is currently under review with the PUC.</p> <p>In order to move this process forward I contacted Joan Fortin of Bernstein, Shur to request an estimate of the cost. The cost to create a downtown development TIF and a TIF along the power lines will be approximately \$25,000. We can do them separately, slowly (not over \$10K), wait until next fiscal year or go to Special Town Meeting.</p> <p>The Town Manager recommends the latter approach to permit a forum for wide public support and acknowledgement.</p>	
Requested Action	
Council Wishes	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 23, 2010	Item # NB 1F
Agenda Item: Public Works Director	
Town Manager's Recommendation	
<p>I have been speaking with Dan Blanchette in Eliot regarding the possibility of sharing staff. One position which may become viable in the near future is the Public Works Director. Eliot will have a vacancy and Terry Oliver has explored the situation.</p> <p>Prior to committing any more time and energy to this, I need to know if Council supports the concept in principle.</p>	
Requested Action	
Council Wishes	
Vote	