

Barry A. and Julie L. Person  
535 Emery's Bridge Road  
South Berwick, Maine 03908  
207-676-4014  
treefarm52@yahoo.com

January 16, 2012

To: Manager Perry Ellsworth  
David Burke, Town Council Chair  
Gerald W. MacPherson, Sr., Town Council Vice-Chair  
Jean Demetracopoulos  
John Kareckas  
David Webster

This letter is to request that the Town Council consider relinquishing the easement that was created in 1979 along the discontinued section of Emery's Bridge Road. We believe that the purpose for the easement as originally stated is no longer valid and we would like to obtain full ownership of the old road bed that runs through our property.

When the Town of South Berwick straightened a section of Emery's Bridge Road, the town discontinued the S-curve portion of the road and reserved a public easement "for the purposes of fire, safety and recreational use" (Book 2587, Page 247). It was written in the Certificate of Discontinuance (October 24, 1979) that "the Town Council determined there were no damages due any abutter as the result of discontinuance." The property was owned by the Klaus's who lived in upstate New York so they were not in attendance at the town meeting. The straightening of the road stripped over 400 feet of frontage from the Klaus's. The land sandwiched between the new road and old road remained in the ownership of Sandy Agrafiotis and Murray Rudnick, leaving the 52-acre Klaus parcel with less than 100 feet of frontage.

We have faced several complications that resulted from the 1979 discontinuance and have taken significant steps to rectify some problems.

- When Barry moved to this house in 1991, the old road was not passable. Trees had been growing for 12 years and quite a lot of items were being "stored" along the road bed: bricks, a truck cap, a cement mixer, lumber, and other building materials. To the best of our knowledge, all of the maintenance for at least the past 21 years has been completed by Barry, not the Town of South Berwick.

- The Town of South Berwick built the driveway in 1979 through that strip of land owned by Agrafiotis/Rudnick, but never established a legal right-of-way! In 1997, when re-financing the home, we had to pay the legal fees to have this rectified.

- In 2007, we decided to pay the cost of creating a land swap with our neighbors (Rackliff) along the West side of the driveway. This swap resulted in approximately 125 feet of frontage.

- In 2010, Sandy Agrafiotis deeded us the small triangle-shaped piece of land that bordered the East side of our driveway and then along the old road back to Emery's Bridge Road. Again, more legal fees but we felt we were able to "get back" the section of frontage that was taken from this property back in 1979.

After taking these measures - and assuming the financial/legal costs associated with them --we now own approximately 560 feet of road frontage, running from the boundary with the Rackliff's to the boundary with the MacLeod's. By acquiring full ownership of the strip of land that was the old Emery's Bridge Road, we will eliminate one more complication that has been associated with this property.

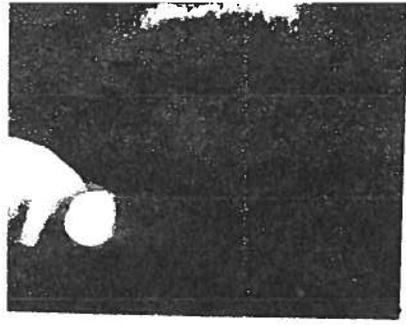
It has been 33 years since the discontinuance and 21 years since Barry has been maintaining the accessibility of this road. Our driveway provides adequate road access for fire and safety vehicles and we are now the only abutters along this old road. If there are legal fees with this process we would certainly pay those fees. We respectfully ask that you consider relinquishing the easement rights.

Thank you for your time and consideration.

Respectfully,

Barry Person

Julie Person



Sgt. DuBois huddles in the warmth of a rescue workers to an awaiting cruiser. (Democrat Photo - DuBois)

...ar geant two weeks ago. "All I could see was my own kid in that water." DuBois recalled. "It's a hopeless and helpless situation. You know if you can get him, you can save him. I couldn't have been more than 2 feet from the back of his head. You wish you were a second earlier or a foot closer. It's so damn frustrating."

### Search

...water, he removed his boots and jacket and entered the water. DuBois said he came to within 2 feet of reaching the youth, who appeared to be unconscious.

A curious motorist who stopped on the highway to see what had happened called for assistance minutes later after seeing the trooper lying in his drenched uniform on a small island.

A hospital spokesman said last night DuBois was being treated for immersion. She said his temperature was far below normal and he wrapped in a blanket and given warm drinks. The trooper was later released and is resting.

As the search continued today, Fish and Game Dept. divers were on standby in the early morning. Searchers continued to comb the shores of the river and a 15-foot fire department rowboat swept over the river bottom.

...because he could no longer work with the deputy chief. He testified the charges Lemieux brought against him at the commission hearing last year were false:

The former Rochester probationary officer also testified that he complained to the chief about Lemieux's actions and that Hussey said he couldn't do anything.

"You mean to tell me that the chief of police said there was nothing he could do?" Mullaney asked. "His hands were tied," Roberg said.

Mullaney argued that a number of the statements officers were making were only hearsay, especially when it came to making comments about situations involving third parties.

The commissioners continued the hearing to 7 p.m. Friday in the Rochester District Court room, the sitting Tuesday night's hearing.

Police Commission chairman E. J. Flanagan said both sides had at least 18 or 20 more witnesses to call before the hearing is concluded.

He also said the commissioners won't make judgments about the deputy chief's conduct until they have heard from every witness.

### Vandalism probed

SOMERSWORTH

...section of the ballots to town clerk Jane McPherson yesterday.

Residents Robert Fisher, Joanne Ferriter and Kenneth Thompson brought the petition in at 4:40 p.m. Tuesday.

## Emery's Bridge Road is So. Berwick topic

SOUTH BERWICK — The town's three-year plan to reconstruct and pave approximately 1 mile of Emery's Bridge Road was discussed with several residents at a special council meeting last night.

Town Manager Rudy Naples, who serves as the town's road commissioner, explained that the 1979 phase will deal with reconstruction of the roadbed and elimination of a sharp "S" curve on the unpaved road. The work, to begin this summer, will extend over approximately one-fourth mile of the road, from the Murray Rodnick residence to the Clayton Boston residence. The entire 1-mile length will be paved some three years from now, he said.

Several abutters of that portion of the road were present. The Rev. Roger Charbonneau called the plan "an answer to our prayers."

Other residents expressed concern that the town's plan for a 50-foot right of way would result in unnecessary cutting of trees, and destruction of the road's "aesthetic features."

Naples explained that when the trees are cut, "sunshine will replace salt in keeping the roads ice-free in winter." He said most of the problems with icy spots on rural roads occur in heavily shaded areas "where salt doesn't work anyway."

The residents also were concerned that "Big Rock," a local landmark, would be blasted away during the reconstruction. Naples said that although the project wouldn't extend as far as "Big Rock" this year, he hoped the road can be engineered around the rock, even if it means moving a nearby intersection east of the area.

Another resident, Ed Smith, was concerned that the 50-foot right of way would adversely affect his farm pond and a 300-year-old oak tree in his front yard. Smith pointed out that the cemetery across the street is at the edge of the present roadbed.

Naples reassured Smith that the 24-foot travel width of the road would probably be narrowed at that point. He pointed out that because the town is doing the work without state aid there is some latitude in reducing the optimum width necessary.

Naples said, "Another reason we decided not to go with state assistance is because their standards are so much higher than the town's that we can do it cheaper by ourselves than we could by funding our share of a state-aid road." He cited the Witchtrot Road as an example, saying that it would have cost the town \$100,000 to complete the road with state aid, but that the town had instead spent \$30,000 of its own funds. The finished Emery's Bridge Road will have a similar appearance.

Abutter Terry Bright was concerned that the town would leave

...Fisher in writing of the inspection time.

The inspection, which must be held within five days of receipt of the petition, will be in the town clerk's office.

...piles of ledge, as had been done on Ogunquit Road. Naples said the town was trying to "get rid of the ledge on Ogunquit Road." He said there is enough ledge "there to fill 100 ten-wheelers." He added that the Emery's Bridge project would not require nearly as much blasting as the Ogunquit Road had.

Chairman Roland Chase asked the residents if they were opposed to the reconstruction project. The consensus appeared to be that they favored the project but expressed some reservations about appearance and speed limits.

### Vandals damage house

SOMERSWORTH — Vandals caused more than \$1,000 damage last weekend to a house on Buf-fumsville Road, police said.

According to Police Chief James Tinker Jr., several radiators and a connecting pipe to a furnace were damaged at the Conrad Breton residence.

The damage was discovered yesterday by an employee of Fortier Oil Co. who was making an oil delivery, Tinker said.

Tinker said that the deliveryman became suspicious when the tank took an abnormal amount of oil. Upon examination, he found the cellar was flooded with oil.

Police said that several radiators in the house were found to be damaged, and water had leaked throughout the house.

### North Berwick officials tour P&W plant

NORTH BERWICK — Several local residents are in East Hartford, Conn., today inspecting Pratt & Whitney operations.

Twenty-two officials — selectmen, planning board members, the fire chief, the police chief, and representatives of the conservation commission, the historical society, the sanitary district and the parks and recreation committee are attending the day-long tour, designed to inform localities of the company's activities.

The group will meet with William Berhart, vice president of manufacturing services; Paul Wilhide, vice president of personnel and industrial relations; and North Berwick plant manager Robert P. Azinger.

After touring the East Hartford facility, the group will take a 25-minute ride to the company's North Haven plant where airfoils are manufactured.

By PATRICIA WELLS

NEW YORK (NYT) — markets are worried. Fac consumer hostility brought relentlessly rising food many of them are experit with ways to appease and their customers. The n approaches include streamline design and unusual techniq providing more services, rai efficiency and offering a fr ambience.

Grand Union took a bold s hired Milton Glaser, a wel New York designer and a develop a new supermarket cept for its Wyckoff, N.J. That Grand Union, which op mid-January, is graphically classy, clean and compu with an emphasis on servi personal attention. It makes vious attempt to satisfy th per, put him back on a fir basis with the butcher, the grocer, the store manager.

The aim is to evoke a fresh, good" feeling, explain Vaillancourt, a spokesman Grand Union chain, the r eighth largest.

Glaser's design encompass entire store, from a simpler sleek red shopping cart match the red, wood and scheme. To create an atm of "generosity" as well as neess and cleanliness, ( flooded the space with l block and oversized graphi coined the slogan "Ask M Here to Help."

Soon a computer will be in at the meat counter, so cus can punch in the cut of m sired and the number of pe be served. The computer w: duce a figure for the quan meat needed, along with th price.

The store also provides a ( butcher (shoppers can call h fore leaving home, so the o ready when they arrive), and free coffee and doughnuts; cheese and sausage samples deli counter. It is also o



## Bring

By MICHAEL KNIGHT

BOSTON (NYT) — The I sum of Fine Arts will ope: branch at the bustling Fan Hall Marketplace on Bosto waterfront this spring in w the museum believes to be i first move by a major art stitution into a business de

## Money facts

WON ITS FAVOR... BUY ITS FLAVOR!

LEGAL NOTICE

THE TOWN COUNCIL OF SOUTH BERWICK WILL HOLD A PUBLIC HEARING ON OCTOBER 24, 1979 AT 7:15 P.M. IN THE MUNICIPAL OFFICE BUILDING FOR THE PURPOSE OF DISCUSSING DISCONTINUING THE ROAD DESCRIBED BELOW:

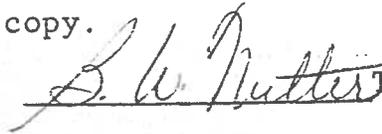
A PORTION OF THE EMERYS BRIDGE ROAD (a/k/a AGAMENTICUS ROAD) IN THE AREA OF THE RUDNICK AND KLAUS RESIDENCES. REPLACED BY A NEW ROAD IN 1979.

SOUTH BERWICK TOWN COUNCIL

  
Beatrice W. Nutter, Town Clerk

September 26, 1979

A true copy.

Attest:  Town Clerk

C E R T I F I C A T E  
O F  
D I S C O N T I N U A N C E  
O F  
T O W N R O A D

I, Rudolph Naples, Town Manager of the Town of South Berwick, County of York, State of Maine, after being duly sworn under oath, hereby certify:

1. That on September 24, 1979 I filed an order of discontinuance with the municipal clerk relative to the discontinuance of a portion of Emerys Bridge Road, said order specifying the location of the way, names of abutting property owners and amount of damages pursuant to 23 M.R.S.A. 3026 (Public Laws, 1976, Ch. 711).

2. That I caused a copy of said action to be delivered to each abutter (See Appendix A) and the South Berwick Planning Board by certified mail, return receipt requested.

3. That a public hearing was held by the South Berwick Town Council at 7:15 P.M. in the Municipal Building in South Berwick on Tuesday, October 24, 1979.

4. That evidence was presented that this portion of Emerys Bridge Road is no longer necessary for public conveyance due to construction in 1979 of a new replacement road.

5. That no abutter appeared and offered testimony for or against discontinuance.

6. That, after the hearing, the Town Council voted on October 24, 1979 to discontinue the following portion of Emerys Bridge Road as more particularly described below:

A portion of Emerys Bridge Road (a/k/a Agamenticus Road) commencing at the property now or formerly of Murray and Sandra Rudnick (York County Registry of Deeds Book 1843, Page 86) approximately 0.8 mile northeasterly of the intersection of Emerys Bridge Road with Rodier and Bennett Lot Roads, and running approximately 0.2 mile in length to the intersection of the end of the new portion of Emerys Bridge Road built in 1979. This road is located on South Berwick Tax Map #10.

Said discontinuance is subject to the RESERVATION by the Town of South Berwick of a PUBLIC EASEMENT in the above portion of road for the purposes of fire, safety and recreational use.

7. That the Town Council determined there were no damages due any abutter as the result of discontinuance.

Dated: October 30, 1979

*Rudolph Naples*  
\_\_\_\_\_  
Rudolph Naples  
South Berwick Town Manager

STATE OF MAINE  
York, ss

Then personally appeared Rudolph Naples in his capacity as Town Manager of the Town of South Berwick and acknowledged the above to be true to the best of his knowledge and belief.

Before me,

*Beatrice W. Nutter*  
\_\_\_\_\_  
Notary public  
MY COMMISSION EXPIRES  
NOVEMBER 27, 1981  
NOTARY PUBLIC

ATTESTATION

I, Beatrice W. Nutter, hereby certify the above to be a true and complete copy.

*Beatrice W. Nutter*  
\_\_\_\_\_  
Town Clerk

10-29



# South Berwick Municipal Offices

PO BOX 236  
 SOUTH BERWICK, MAINE 03908-0236  
 TEL 207-384-2263

September 20, 1988

Clarence H. Klaus  
 Apt. 385 Box 255 Shinpike  
 Clinton Corner, NY 12514

Dear Mr. Klaus:

Enclosed please find some information regarding Discontinuance of Town Ways with respect to our telephone conversation of last week.

If I can be of any further assistance, feel free to contact me at the above address.

Sincerely,

John T. Fogarty  
 Code Enforcement Officer

Note 1

**§ 3026. Discontinuance of town ways**

A municipality may terminate in whole or in part any interests held by it for highway purposes. A municipality may discontinue a town way or public easement after the municipal officers have given best practicable notice to all abutting property owners and the municipal planning board or office and have filed an order of discontinuance with the municipal clerk that specifies the location of the way, the names of abutting property owners and the amount of damages, if any, determined by the municipal officers to be paid to each abutter.

Upon approval of the discontinuance order by the legislative body, and unless otherwise stated in the order, a public easement shall, in the case of town ways, be retained and all remaining interests of the municipality shall pass to the abutting property owners to the center of the way. For purposes of this section, the words "public easement" shall include, without limitation, an easement for public utility facilities necessary to provide service.

1975, c. 711, § 8; 1977, c. 301, § 1.

**Historical Note**

The 1977 amendment added the second sentence of the second paragraph.

**Derivation:**

R.S.1954, c. 96, § 33.  
Laws 1965, c. 270, § 1.

Laws 1973, c. 456.  
Laws 1973, c. 625, § 133-A.  
Former § 3004 of this title.

**Cross References**

Municipal officers defined, see title 30, § 1901.  
Termination of right-of-way by adverse obstruction, see title 14, § 313.  
Town meeting and warrants therefor, see title 30, § 2051 et seq.

**Library References**

Highways ⇐ 79(1).  
Municipal Corporations ⇐ 657.

C.J.S. Highways §§ 130 to 135.  
C.J.S. Municipal Corporations § 1665.

**Notes of Decisions**

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| Acceptance of discontinuance 4     | Use of discontinued way 6               |
| Compensation 8                     | Validity of discontinuance 3            |
| Discretion of municipal officers 2 |   |
| Hearing 10                         |   |
| Jurisdiction 11                    | I. In general                           |
| Petition 9                         | Provisions of repealed § 3004 of        |
| Right of access 5                  | this title that town, at meeting called |

by warrant containing article for purpose, may discontinue a town way does not apply to discontinuance of town ways as part of approved urban renewal plans. *Lewiston Urban Renewal Authority v. City of Lewiston* (1976) Me., 349 A.2d 763.

R.S.1930, c. 27, § 19 was utterly inconsistent with any contention that a private way laid out under the provisions of R.S.1930, c. 27, § 16 was not a public easement. *Browne v. Connor* (1941) 138 Me. 63, 21 A.2d 709.

Ways created by express grant in deed are not subject to the provisions of R.S., c. 18, § 17, but only such ways as are authorized to be laid out, altered or widened by town under provisions of R.S., c. 18, § 14. *Tibbetts v. Penley* (1890) 83 Me. 118, 21 A. 838.

R.S., c. 18, § 17 related only to such ways as town may lay out, alter or widen under R.S., c. 18, § 14, and not to those created by express grant in deed. *Id.*

The inhabitants of a town were authorized by St.1821, c. 113, § 9, to discontinue a town way at a meeting legally called for that purpose: no previous action of the selectmen being requisite to make such discontinuance effectual. *State v. Brewer* (1858) 45 Me. 606. See, also, *Latham v. Wilton* (1843) 23 Me. 125.

Town way, which had its origin and continuance by virtue of legal location, may be discontinued, although used for more than 20 years. *Larry v. Lunt* (1853) 37 Me. 69. See, also, *Bigelow v. Hillman* (1854) 37 Me. 52.

Under R.S.1841, c. 25, § 33, the commissioners were authorized to discontinue town and private ways when person was aggrieved by the refusal of a town to discontinue them. *Atlantic & St. Lawrence R. R. v. Cumberland County Comms.* (1848) 28 Me. 112. See, also, *Lisbon v. Merrill* (1835) 12 Me. (3 Fairf.) 210.

2. Discretion of municipal officers  
Municipal officers exercised their discretion when they and Urban Re-

newal Authority entered into agreement, which included closing of town way, and, after signing, there remained no discretionary authority left to municipal officers; thus it would have been idle ceremony to require them by mandatory injunction to go through procedural steps of repealed § 3004 of this title for discontinuance of town way and it would merely be adjudicated that the city had caused the portion of street described in urban renewal plan to be vacated and discontinued as town way. *Lewiston Urban Renewal Authority v. City of Lewiston* (1976) Me., 349 A.2d 763.

### 3. Validity of discontinuance

A discontinuance of a public way by the city government of Augusta was legal, notwithstanding there was no determination as to damages, and no previous action taken upon that subject. *Hicks v. Ward* (1879) 69 Me. 436.

### 4. Acceptance of discontinuance

Portion of street was effectively terminated as town way when, after hearing, urban renewal plan including portion of street was accepted and city, which entered into agreement to vacate and discontinue the street, could not thereafter deny validity of its agreement. *Lewiston Urban Renewal Authority v. City of Lewiston* (1976) Me., 349 A.2d 763.

### 5. Right of access

Right of access to public way is property right in nature of easement. *Jordan v. Town of Canton* (1970) Me., 265 A.2d 96.

Cases involving loss of access to public way depend on practical and factual consequences of governmental action rather than legal status of highway. *Id.*

Right of "access" means not only right of ingress and egress as between owner's property and public way but also access to general road system to which his property is connected by street or road. *Id.*

## Note 6

## 6. Use of discontinued way

Use by defendant of discontinued town way which had crossed plaintiff's farm gave rise to a cause of action of trespass. *Larry v. Lunt* (1853) 37 Me. 69.

## 7. Town meetings

An unrestricted vote to discontinue a town way takes effect from its passage, though the meeting at which it is passed may be adjourned to a subsequent day. *Bigelow v. Hillman* (1854) 37 Me. 52.

Whether it would be competent for a town to reconsider unrestricted vote to discontinue town way, at an adjourned meeting after rights of 3rd parties had intervened, *quaere*. *Id.*

## 8. Compensation

Repealed § 2068 of this title, which permitted governmental entity to avoid expense of maintaining and keeping certain designated roads open for travel and free from dangerous defects without terminating public easement therein and without compensating abutting owners, was unconstitutional. *Jordan v. Town of Canton* (1970) Me., 265 A.2d 96.

When all reasonable access to public way has been destroyed, property right has been "taken" within meaning of constitutional prohibition against taking private property for public uses without just compensation. *Id.*

Discontinuance of right-of-way may destroy abutting owners' property rights for which payment must be made. *Id.*

## 9. Petition

A petition to the county commissioners to revise the doings of a town, upon an alleged unreasonable refusal to discontinue a townway,

should be presented by one having an interest in the subject matter and in some way connected with the doings before the town, either in procuring the action of the town or being present and voting with the minority. *Brown v. Sagadahoc County Commrs.* (1878) 68 Me. 537.

Neither the petition nor the proceedings thereon showed that the petitioners were interested or in any way parties to the proceedings hence it was error to rule that the county commissioners had jurisdiction. *Id.*

## 10. Hearing

Hearing on proposed urban renewal plan requiring portion of town way to be closed and subsequent approval of plan constituted adequate substitute for procedure required by repealed § 3004 of this title for discontinuance of town ways. *Lewiston Urban Renewal authority v. City of Lewiston* (1976) Me., 349 A.2d 783.

## 11. Jurisdiction

When the owner of land over which a town way has been laid out by the selectmen and accepted by the town presents a petition to the county commissioners praying for the discontinuance of such way, and the county commissioners, after hearing, affirm the location of such way, and the petitioner appeals to the Supreme Judicial Court, and that court appoints a committee and such committee, after hearing, reports that the judgment of the county commissioners "be wholly affirmed and in no part reversed," the question of jurisdiction of the county commissioners, and any other questions affecting the legality of their proceedings may be raised when the report of the committee is offered for acceptance. *Conant's Appeal* (1907) 102 Me. 477, 67 A. 564.

## § 3027. Vacation of proposed town ways in land subdivision

Where proposed town ways have been described in an approved subdivision plan and lots have been sold with reference to the plan, the municipal officers, with the approval of the municipal planning board or office, may on their own initiative or

petition of the abutting property owners, or on petition of any person claiming a property interest in the proposed way, vacate in whole or in part proposed ways that have not been accepted. The procedures shall be the same as in the discontinuance of accepted town ways, except that damages and reasonable costs as determined by the municipal officers shall be paid by the petitioners.

A dedication of property or interest therein to the municipality described in an approved subdivision plot plan may not be revoked or vacated by the dedicator unless no lot has been sold with reference to the plan, and unless an amended subdivision plan has been approved by the municipal subdivision review authority and filed with the appropriate registry of deeds.

1975, c. 711, § 8.

#### Library References

Highways ⇐79(1).

C.J.S. Highways §§ 130 to 135.

#### Notes of Decisions

##### 1. In general

Statutory method of vacating roads shown on plan of plotted land is exclusive and grantor may not usurp

function by reserving the right, and such reservation is void. *Callahan v. Gonneston Park Development Corp.* (1968) Me., 245 A.2d 274.

### § 3028. Abandonment of public ways

It shall be prima facie evidence that a town or county way established prior to January 1, 1946, and not kept passable for the use of motor vehicles at the expense of the municipality or county for a period of 30 or more consecutive years next prior to January 1, 1976, has been discontinued by abandonment. A presumption of abandonment may be rebutted by evidence that manifests a clear intent by the municipality or county and the public to consider or use the way as if it were a public way. A proceeding to discontinue a town or county way shall not prevent or estop a municipality from asserting a presumption of abandonment. No municipality or its officials shall be liable for nonperformance of a legal duty with respect to such ways if there has been a good faith reliance on a presumption of abandonment. Any person affected by a presumption of abandonment, including the State or a municipality, may seek declaratory relief to finally resolve the status of such ways. A way that has been abandoned under this section shall be relegated to the same status as it would have had after a discontinuance pursuant to section 3026, except that this status shall be at all times

Clarkson Ave NY  
De Bunk Management Office 9-2-91  
PO Box 236 So. Barrack Lane

Dear Mr. Fogarty  
Enclosed is check for your take on  
Property on Emory Bridge Rd. May 10 - Set 29  
Acct # KE 480R. We will send that  
you can now proceed for \$200.  
Amount: 5 line 2 Surveys land with  
The change in the road and the clearing

like the road as a driveway area  
for the neighbor who reportedly tells  
that the area is all road but in 1977  
state the survey land on either side  
has equal rights.

Do you or want in on it  
Keep in a good income: Anything you  
could do with the great of  
Sincerely  
E. H. Wilson

Clinton Corners, NY  
9-2-91

So. Berwick Municipal Office  
PO Box 236, So. Berwick, ME

Dear Mr. Fogarty

Enclosed is check for our Taxes on Property on Emery Bridge Rd.,  
Map 10 Lot 29 Acct # KO480R. We still feel that we are over assessed for 52  
A of granite & Pne & Swamp, and with the change in the road and the  
claiming of the old roas as a dumping area for the neighbor who apparently  
feels that she owns the old road bed. In NY state the owner of the land on  
either side has equal rights.

As you are aware we are retired living on a fixed income. Anything  
you could do would be greatly appreciated.

Sincerely,  
C.H. Klaus



## **South Berwick Town Council January 24, 2012**

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 6:30pm. Councilors present included, David Burke, Jean Demetracopoulos, David H. Webster, and John C. Kareckas. Town Manager Perry Ellsworth was also in attendance.

### **Approval of Minutes**

1. Council 1-10-12: On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to adopt the minutes as written.

### **Treasurer's Warrant – Jan 24, 2012**

On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant in the amount of \$827,696.79.

### **Public Comment**

1. **Ruth Boston, Emery's Bridge Rd**, asked for the status of the Balancing Rock. Mr. MacPherson stated that there have been no changes.

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

-Commented that budgets are in good shape. Winter over-time is significantly lower than past years due to the lack of snow.

-The new Librarian will begin her full-time duties on Monday.

-We are able to move forward with some paint, plaster and trim work at the library because of the **\$40,000 from the Friends of the Library.**

-Stated that he would be out of town for the remainder of the week for personal reasons.

### **New Business**

1. On a motion by Mr. Webster, seconded by Mr. Burke, it was unanimously voted to approve the renewal of a liquor license for Relish Restaurant.

2. On a motion by Mr. Kareckas, seconded by Mr. Burke, it was unanimously voted to approve the renewal of a liquor license and special amusement permit for Spring Hill.

3. **Right-of-Way on Emery's Bridge Rd: Julie & Barry Person of 535 Emery's Bridge Road asked the Council to consider discontinuing the Town's easement on their property. The easement was created when a portion of the road (A/K/A Agamenticus Rd) was rebuilt and moved. The original vote was made on October 24, 1979 and recorded at the York County Registry, Book 2587, Page 246. The easement was retained for purposes of fire, safety and recreational use. The easement no longer serves any purpose and is impassable to vehicular traffic.**

Mr. Kareckas stated for the record that he is a member of the Great Works Regional Land Trust, and the Land Trust is an abutter to the property in question. He added that he did not feel that there was a conflict of interest.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to hold a public hearing on Tuesday, February 14, 2012 at 6:30pm to discuss the discontinuance of the public easement located on the property at **535 Emery's Bridge Road.**

4. Libby & Son Inc. letter re: Tax Map 3/Lot 63 logging:

Russ Hughes, Licensed Professional Forester, explained that the Ramsdell lot is planned for logging but boundary lines must be determined and agreed to; and records indicate that the Town owns an abutting lot (Map 3, Lot 63). Mr. Hughes stated that the intent is to ask the abutting property owners to share in the cost of determining the property lines. The cost could be offset by logging **the Town's lot.** Mr. Hughes explained that he has received a preliminary estimate of \$3000 for finding some starting points from Corner Post Land Surveying. Mr. Hughes went on to clarify that the Ramsdell lot is to be logged; and he thought offering the Town the opportunity to participate may create some revenue and help to clarify some of the boundary lines.

Mrs. Demetracopoulos explained that some of the lots in that area do not have deeds and were created by a former Assessing Agent by piecing together information from deeds that were available, which created holes in the tax maps. Therefore, some of the lots may not actually exist; **and is why they are considered "owner unknown"**.

The questionable boundaries & ownership of some lots was discussed and Mr. Burke questioned what the **penalty is for harvesting on land we don't own**. **Mr. Hughes stated that the fine and penalties could be substantial; a \$1000 per tree cut.**

Consensus was to have Mr. Hughes continue his efforts with finding or establishing agreed upon markers, and to work with the abutters and Maine Forestry Service. It was recommended that he return to the Council with any findings.

5. The Council discussed the process necessary to move forward with developing the Young Street property. Mr. Kareckas recommended getting the Planning Board started. Consensus was to hold a joint workshop with the Planning Board on Tuesday, January 31<sup>st</sup> at 6:30pm.

### **Council Member Comments**

1. Mr. Burke:

-Commended the leadership at Powderhouse Ski Hill for a great start.

2. Mr. Kareckas:

-Stated that Powderhouse had a great first week.

-Asked when junkyard permits were due. (Sept/Oct 2013)

3. Mr. MacPherson:

-Made note that people may want to check into ElectricityME.com. They are offering electricity supply for 17.7% less than the standard offer. CMP would still deliver the electricity.

### **Adjournment**

On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 8:15pm.

Attested:

Barbara Bennett, CCM

TOWN OF SO. BERWICK  
CHECK REGISTER

| Check Number | Account                                | Date Paid  | Amount    |
|--------------|--|------------|-----------|
| 00029130     | 210555 JEFF UPTON                      | 02/14/2012 | -40.00    |
| 00029858     | 132500 SECRETARY OF STATE M/V          | 02/14/2012 | 12,548.31 |
| 00029859     | 132500 SECRETARY OF STATE M/V          | 02/14/2012 | 12,974.21 |
| 00029860     | 090151 UNITED STATES TREASURY          | 02/14/2012 | 97.50     |
| 00029861     | 189999 REFUNDS                         | 02/14/2012 | 2.00      |
| 00029862     | 189999 REFUNDS                         | 02/14/2012 | 14.04     |
| 00029863     | 189999 REFUNDS                         | 02/14/2012 | 48.14     |
| 00029864     | 189999 REFUNDS                         | 02/14/2012 | 6,728.71  |
| 00029865     | 189999 REFUNDS                         | 02/14/2012 | 25.00     |
| 00029866     | 189999 REFUNDS                         | 02/14/2012 | 25.00     |
| 00029867     | 010336 AGGREGATE RECYCLING CORP        | 02/14/2012 | 1,454.95  |
| 00029868     | 010523 ALLEN'S DRILLING & BLASTING IN  | 02/14/2012 | 1,552.00  |
| 00029869     | 010740 AMERIFLEX CLAIMS ACCOUNT        | 02/14/2012 | 957.00    |
| 00029870     | 011250 TREASURER, STATE OF MAINE       | 02/14/2012 | 419.00    |
| 00029871     | 011495 ATLANTIC RECYCLING EQUIP LLC    | 02/14/2012 | 216.40    |
| 00029872     | 011475 ATLANTIC BROOM                  | 02/14/2012 | 690.80    |
| 00029873     | 020220 CATALINA BAKAS                  | 02/14/2012 | 31.44     |
| 00029874     | 020225 BAKER & TAYLOR                  | 02/14/2012 | 15.32     |
| 00029875     | 021200 BERGERON PROTECTIVE CLOTHING    | 02/14/2012 | 2,409.56  |
| 00029876     | 021375 H T BERRY COMPANY INC           | 02/14/2012 | 122.98    |
| 00029877     | 022503 SHARON BRASSARD                 | 02/14/2012 | 132.76    |
| 00029878     | 030500 CENTRAL MAINE POWER/CREDIT COLL | 02/14/2012 | 881.66    |
| 00029879     | 030510 CENTRAL MAINE POWER             | 02/14/2012 | 4,995.07  |
| 00029881     | 030725 CITIZENS BANK (CHG)             | 02/14/2012 | 1,558.43  |
| 00029882     | 030900 SANDRA CLARK                    | 02/14/2012 | 109.99    |
| 00029883     | 030920 CLEAN-O-RAMA                    | 02/14/2012 | 190.64    |
| 00029884     | 030950 ARNOLD T CLEMENT CO             | 02/14/2012 | 230.00    |
| 00029885     | 031096 COCHECO VALLEY HUMANE SOCIETY   | 02/14/2012 | 50.00     |
| 00029886     | 031425 COLONIAL LIFE & ACCIDENT INS.   | 02/14/2012 | 1,262.73  |
| 00029887     | 031430 COMCAST                         | 02/14/2012 | 99.95     |
| 00029888     | 031579 CONSTELLATION NEW ENERGY        | 02/14/2012 | 1,444.67  |
| 00029889     | 032030 CUMMINS NORTHEAST INC           | 02/14/2012 | 396.00    |
| 00029890     | 040105 DAYTON SAND & GRAVEL            | 02/14/2012 | 673.44    |
| 00029891     | 040168 DICK DELANEY                    | 02/14/2012 | 100.00    |
| 00029892     | 040497 GEORGE DERBY                    | 02/14/2012 | 720.00    |
| 00029893     | 040520 DIGITAL INK PRINTING            | 02/14/2012 | 26.07     |
| 00029894     | 040530 DEDE DIONNE                     | 02/14/2012 | 74.52     |
| 00029895     | 050802 PERRY ELLSWORTH                 | 02/14/2012 | 430.13    |
| 00029896     | 050815 EMPLOYEE HEALTH & BENEFITS      | 02/14/2012 | 598.81    |
| 00029897     | 141000 FAIR POINT COMM                 | 02/14/2012 | 330.15    |
| 00029898     | 061500 FOSTER'S DAILY DEMOCRAT         | 02/14/2012 | 161.00    |
| 00029899     | 070200 P GAGNON & SON INC              | 02/14/2012 | 6,837.22  |
| 00029900     | 070210 GALL'S INC                      | 02/14/2012 | 241.88    |
| 00029901     | 070280 GENERAL CODE PUBLISHERS         | 02/14/2012 | 620.99    |
| 00029902     | 070565 GORHAM LEASING GROUP            | 02/14/2012 | 96.56     |
| 00029903     | 070600 GEORGE GORMAN                   | 02/14/2012 | 86.60     |
| 00029904     | 070800 W.W.GRAINGER INC.               | 02/14/2012 | 29.10     |
| 00029905     | 071180 GROUP DYNAMIC INC               | 02/14/2012 | 550.00    |
| 00029906     | 071307 GULF/FLEET FUNDING              | 02/14/2012 | 27.72     |
| 00029907     | 071500 GUNSTOCK GROUP SALES            | 02/14/2012 | 1,328.00  |
| 00029908     | 191330 HANNAFORD'S                     | 02/14/2012 | 491.48    |
| 00029909     | 080248 HANSCOM'S TRUCK STOP INC        | 02/14/2012 | 15,704.40 |
| 00029910     | 080270 HARCROS CHEMICALS INC.          | 02/14/2012 | 1,965.41  |
| 00029911     | 080450 HARVARD PILGRIM HEALTH CARE     | 02/14/2012 | 20,770.56 |
| 00029912     | 080638 M HIGGINS & SONS OIL            | 02/14/2012 | 369.90    |
| 00029913     | 022665 C.E. HOLMES CONSTRUCTION        | 02/14/2012 | 1,070.00  |

| Check Number | Account                               | Date Paid  | Amount     |
|--------------|---------------------------------------|------------|------------|
| 00029914     | 080998 HOME DEPOT                     | 02/14/2012 | 7.66       |
| 00029915     | 081047 HOTSTICK USA                   | 02/14/2012 | 50.00      |
| 00029916     | 081305 HSE GOULD                      | 02/14/2012 | 1,277.67   |
| 00029917     | 090120 INLAND FISHERIES & WILDLIFE    | 02/14/2012 | 977.00     |
| 00029918     | 090375 INTERNATIONAL SALT             | 02/14/2012 | 31,096.74  |
| 00029919     | 090580 IRVING OIL                     | 02/14/2012 | 64.45      |
| 00029920     | 100150 JANETOS MARKET                 | 02/14/2012 | 42.22      |
| 00029921     | 100200 JEWETT/EASTMAN MEMORIAL COM    | 02/14/2012 | 263.00     |
| 00029922     | 120240 LANG'S CORNER GARAGE INC       | 02/14/2012 | 413.00     |
| 00029923     | 121400 JOHN LIPPINCOTT                | 02/14/2012 | 725.00     |
| 00029924     | 131698 MAINE BETTER TRANSPORTATION    | 02/14/2012 | 75.00      |
| 00029925     | 133375 MAINE ENERGY RECOVERY CO.      | 02/14/2012 | 4,461.90   |
| 00029926     | 133225 MAINELY PRINTING               | 02/14/2012 | 110.40     |
| 00029927     | 132400 MAINE SAD #35                  | 02/14/2012 | 510,943.28 |
| 00029928     | 133376 LUKE MARTIN                    | 02/14/2012 | 194.17     |
| 00029929     | 133358 W.B.MASON                      | 02/14/2012 | 220.26     |
| 00029930     | 131500 MCFARLAND SPRING CORP.         | 02/14/2012 | 555.84     |
| 00029931     | 133795 MICK BODYWORKS                 | 02/14/2012 | 98.68      |
| 00029932     | 133818 MILLENNIUM ROADS LLC           | 02/14/2012 | 2,223.76   |
| 00029933     | 134300 MAINE MUNICIPAL EMPLOYEES      | 02/14/2012 | 3,480.12   |
| 00029934     | 134665 MONTROSE-SANFORD HYDRAULICS    | 02/14/2012 | 153.73     |
| 00029935     | 127000 CORRINE J MAHONY               | 02/14/2012 | 1,612.50   |
| 00029936     | 140105 NAPA OF SOMERSWORTH            | 02/14/2012 | 758.99     |
| 00029937     | 140600 NEPTUNE INC                    | 02/14/2012 | 68.85      |
| 00029938     | 140796 NEW ENGLAND ASSN/POLICECHIEFS  | 02/14/2012 | 60.00      |
| 00029939     | 140809 NEW ENGLAND COACH              | 02/14/2012 | 225.00     |
| 00029940     | 141080 NEXTEL                         | 02/14/2012 | 134.42     |
| 00029941     | 141300 NO.BERWICK LUMBER & HARDWARE   | 02/14/2012 | 10.98      |
| 00029942     | 141366 NORTHEAST ELECTRICAL DISTRIB   | 02/14/2012 | 98.43      |
| 00029943     | 141385 NORTHEAST WISCONSIN TECH COLL  | 02/14/2012 | 175.00     |
| 00029944     | 150280 ORIENTAL TRADING CO            | 02/14/2012 | 402.25     |
| 00029945     | 150735 DICK PAGE                      | 02/14/2012 | 50.00      |
| 00029946     | 200700 PIKE INDUSTRIES INC            | 02/14/2012 | 423.98     |
| 00029947     | 160341 PINNACLE IT                    | 02/14/2012 | 543.80     |
| 00029948     | 160692 POLAND SPRING                  | 02/14/2012 | 92.52      |
| 00029949     | 161265 PORTSMOUTH FORD                | 02/14/2012 | 285.46     |
| 00029950     | 161280 THE PORTSMOUTH HERALD          | 02/14/2012 | 176.00     |
| 00029951     | 170000 QUILL CORPORATION              | 02/14/2012 | 89.61      |
| 00029952     | 180185 RCP LLC                        | 02/14/2012 | 375.00     |
| 00029953     | 180400 RED'S SHOE BARN INC            | 02/14/2012 | 76.49      |
| 00029954     | 190094 SANEL AUTO PARTS CO            | 02/14/2012 | 178.51     |
| 00029955     | 132500 SECRETARY OF STATE M/V         | 02/14/2012 | 12,331.81  |
| 00029956     | 190990 SENSIBLE PRODUCTS INC          | 02/14/2012 | 420.53     |
| 00029957     | 191533 CRAIG SKELTON                  | 02/14/2012 | 89.91      |
| 00029958     | 191753 FOREST SMITH                   | 02/14/2012 | 675.00     |
| 00029959     | 192800 SO BERWICK VETERINARY HOSPITAL | 02/14/2012 | 25.00      |
| 00029960     | 192900 SO BERWICK WATER DISTRICT      | 02/14/2012 | 497.66     |
| 00029961     | 191875 TOWN OF SOUTH BERWICK          | 02/14/2012 | 100.00     |
| 00029962     | 192650 SO BERWICK SEWER DISTRICT      | 02/14/2012 | 988.00     |
| 00029963     | 193622 SPRINGER ELECTRICAL SERV INC   | 02/14/2012 | 11,159.92  |
| 00029964     | 193640 STAPLES                        | 02/14/2012 | 62.17      |
| 00029965     | 133105 TREASURER OF STATE/C.WPNS      | 02/14/2012 | 65.00      |
| 00029966     | 133035 TREAS/STATE OF MAINE/LICENSING | 02/14/2012 | 70.00      |
| 00029967     | 133107 TREAS.STATE OF MAINE/DEP       | 02/14/2012 | 161.00     |
| 00029968     | 133113 TREASURER OF STATE/ATV         | 02/14/2012 | 2,100.00   |

| Check Number      | Account                               | Date Paid  | Amount     |
|-------------------|---------------------------------------|------------|------------|
| 00029969          | 201300 TWO-WAY COMMUNICATION SERV INC | 02/14/2012 | 5,183.48   |
| 00029970          | 210555 JEFF UPTON                     | 02/14/2012 | 40.00      |
| 00029971          | 210500 UNITED STATES POST OFFICE      | 02/14/2012 | 225.00     |
| 00029972          | 211500 VERIZON WIRELESS               | 02/14/2012 | 624.47     |
| 00029973          | 220190 VINE STREET MHP LLC            | 02/14/2012 | 350.00     |
| 00029974          | 230300 WALMART COMMUNITY BRC          | 02/14/2012 | 193.11     |
| 00029975          | 230610 WEES LLC                       | 02/14/2012 | 393.00     |
| 00029976          | 231320 WINDWARD PETROLEUM             | 02/14/2012 | 757.49     |
| 00029977          | 241112 TOWN OF YORK                   | 02/14/2012 | 2,125.00   |
| 00029978          | 240900 YORK COUNTY REGISTRY OF DEEDS  | 02/14/2012 | 86.88      |
| Total Not Prepaid |                                       |            | 674,521.39 |
| Total Prepaid     |                                       |            | 32,422.91  |
| Grand Total       |                                       |            | 706,944.30 |

WARRANT NUMBER ..... \$ 706,944.30 ..... DATE 02/09/2012 .....

\* \* \* 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***

|   |                          |
|---|--------------------------|
| <b>Meeting Date: February 14, 2012</b>  | <b>Agenda Item NB #1</b> |
| <b>Subject:</b> Solid Waste Hauler License for Oceanside Rubbish  |                          |
|   |                          |
| <b>Information:</b>   |                          |
| Oceanside's license expired January 31, 2012. They have requested renewal, completed the application (attached), and have remitted the proper fees. No issues have been reported. |                          |
| <b>Staff Comments/Recommendation:</b>   |                          |
| Recommend approval.   |                          |
| <b>Requested Action:</b>  |                          |
| Motion to renew Oceanside's Solid Waste Hauler License to expire January 31, 2013.  |                          |
| <b>Vote:</b>  |                          |
|   |                          |

Town of South Berwick  
Solid Waste Haulers License Application

Name of Hauler Oceanside Rubbish, INC.  
 Hauler's Address P.O. Box 39  
WELLS, MAINE 04090  
 Email address: donna@oceansiderubbishinc.com  
 Telephone 207-646-3230

Vehicle Information:

| Plate #       | Make         | Model       | Color      | VIN Number               | Vehicle Weight |
|---------------|--------------|-------------|------------|--------------------------|----------------|
| <u>746829</u> | <u>INTR.</u> | <u>7400</u> | <u>WHT</u> | <u>1HTWGADT93J073322</u> | <u>56,000</u>  |
| <u>746879</u> | <u>DODGE</u> | <u>RAM</u>  | <u>WHT</u> | <u>3D7KR26D55G781465</u> | <u>9000</u>    |
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Prepared by (please print) Donna Coleman  
 Signature: 

**TOWN COUNCIL**

***Agenda Information Sheet***

|   |                           |
|---|---------------------------|
| <b>Meeting Date: February 14, 2012</b>  | <b>Agenda Item NB # 2</b> |
| <b>Subject:</b> Solid Waste Hauler License for Waste Management   |                           |
|   |                           |
| <b>Information:</b><br>Waste Management's license expired January 31, 2012. They have requested renewal, completed the application (attached), and have remitted the proper fees. No issues have been reported. |                           |
| <b>Staff Comments/Recommendation:</b><br>Recommend approval.  |                           |
| <b>Requested Action:</b><br>Motion to renew Waste Management's Solid Waste Hauler License to expire January 31, 2013.   |                           |
| <b>Vote:</b>  |                           |
|   |                           |

Town of South Berwick  
Solid Waste Haulers License Application

Name of Hauler Waste Management  
 Hauler's Address 90 Rochester Neck Rd.  
Rochester N.H. 03839  
 Email address: jwelch@wm.com  
 Telephone 603-330-2172

Vehicle Information:

| Plate #       | Make        | Model          | Color        | VIN Number               | Vehicle Weight |
|---------------|-------------|----------------|--------------|--------------------------|----------------|
| <u>7230AR</u> | <u>Mack</u> | <u>Refuse</u>  | <u>Green</u> | <u>1M2K19SC37M034333</u> | <u>64,000</u>  |
| <u>4398AR</u> | <u>Mack</u> | <u>Refuse</u>  | <u>Green</u> | <u>1M2K19SC13M022157</u> | <u>64,000</u>  |
| <u>AR7067</u> | <u>Mack</u> | <u>Recycle</u> | <u>Green</u> | <u>1M2AC07C32M006829</u> | <u>55,000</u>  |
| <u>AR8217</u> | <u>Mack</u> | <u>Recycle</u> | <u>Green</u> | <u>1M2AC07C22M006725</u> | <u>55,000</u>  |
| <u>7194AR</u> | <u>Mack</u> | <u>Refuse</u>  | <u>Green</u> | <u>1M2K19SCY7M034961</u> | <u>64,000</u>  |
| <u>AR6983</u> | <u>Mack</u> | <u>Refuse</u>  | <u>Green</u> | <u>1M2K19S01M0K08842</u> | <u>64,000</u>  |
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| _____         | _____       | _____          | _____        | _____                    | _____          |
| _____         | _____       | _____          | _____        | _____                    | _____          |
| _____         | _____       | _____          | _____        | _____                    | _____          |

Prepared by (please print) \_\_\_\_\_  
 Signature: \_\_\_\_\_

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

|   |               |
|---|---------------|
| <b>Meeting Date:</b> Feb 14, 2012.  | <b>Item #</b> |
| <b>Agenda Item: Release Deed – Soule-Hinds</b>  |               |
| <b>Town Manager's Recommendation</b>  |               |
| <p>By law when tax liens are paid after the foreclosure date, a release deed is required in place of a discharge. In this case, all outstanding tax liens &amp; current taxes were paid in full during the redemption period in order to redeem the property.</p> |               |
| <b>Requested Action</b>   |               |
| Municipal Officers sign release deed. Deed will be recorded at the York County Registry of Deeds.   |               |
| <b>Vote</b>   |               |
|   |               |
|   |               |

**TOWN OF SOUTH BERWICK  
RELEASE DEED**

The Town of South Berwick, a Municipal Corporation, located at 180 Main Street, South Berwick, Maine, for consideration paid, **RELEASE TO SUSAN SOULE-HINDS**, all of its right, title, and interest in and to the following property acquired by Tax Lien dated June 09, 2010 and recorded in the York County Registry of Deeds on June 09, 2010, in **Book 15877 Page 192** Map 31 Lot 129-001 as depicted on Town of South Berwick Revised April 2010 Tax Maps prepared by Ransom Environmental Consultants are on file in the Municipal Office of the Town of South Berwick, Maine 03908.

IN WITNESS WHEREOF, the Town of South Berwick has caused this instrument to be executed by Gerald W. MacPherson, Sr., Jean Demetracopoulos, John Kareckas, David Burke, David E. Webster, its Town Council, thereunto duly authorized, the 14th day of February, 2012.

WITNESS TO ALL:

TOWN OF SOUTH BERWICK

\_\_\_\_\_

BY: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF MAINE  
YORK, SS  
February 14, 2012

PERSONALLY APPEARED the above named Gerald W. MacPherson, Sr., Jean Demetracopoulos, John Kareckas, David Burke, David E. Webster, and acknowledged the foregoing instrument to be their free act and deed in theirs said capacity and the free act and deed of said Municipal Corporation.

Before me,

Barbara Bennett  
Notary Public