

**South Berwick  
Board of Assessors  
February 28, 2012**

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 6:15pm. Assessors present included Jean Demetracopoulos, David H. Webster, and John C. Kareckas. Town Manager Perry Ellsworth was also in attendance. Councilor David Burke and Assessing Agent Craig Skelton were not present.

The Board discussed abatement request #2 from Diane Canada at 43 York Woods Road. The Town Manager explained that the property (as the result of a divorce) has suffered damages and neglect making it uninhabitable. Ms. Canada is in the process of repairing the damages to make the property saleable. Mr. Ellsworth added that the assessment will be reviewed for next year and adjusted accordingly.

Items of concern included whether the taxes had been paid on the property, mortgage holder and insurance involvement, and whether this situation constitutes a valid reason for granting abatement.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to table action on the abatement until the next meeting.

On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 6:28pm.

Attest:

Barbara Bennett, CCM  
Town Clerk



## **South Berwick Town Council February 28, 2012**

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 6:29pm. Councilors present included, Jean Demetracopoulos, David H. Webster, and John C. Kareckas. Town Manager Perry Ellsworth was also in attendance. Councilor David Burke was not present.

### **Approval of Minutes**

1. Public Hearing 2-14-12: On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to adopt the minutes after amending them by changing the word **'discontinuance' to 'recreational easement' under Mrs. Demetracopoulos' comment and to add the statement that no one spoke in opposition to discontinuing the easement.**
2. Council 2-14-12: On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to adopt the minutes as written.

### **Treasurer's Warrant – Feb 28, 2012**

On a motion by Mr. Kareckas seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant in the amount of \$ 139,472.59.

### **Public Comment**

1. Kevin Sarzynski, Tamarack Dr, expressed his concerns that the Town could change ambulance **service to AMR. He stated that South Berwick Rescue is a "Fantastic Organization" and does more** for the community than AMR would.
2. Richard Clough, Academy St, asked if there had been a budget workshop schedule established yet. Mr. Ellsworth stated that issue will be taken up later in the meeting. He added that **a copy of the budget is available on the website and in the Clerk's office for viewing. A complete copy of the budget (over 100 pages) is \$27.50.**

### **Reports & Correspondence**

1. Robin Kerr the Mt. Agamenticus Conservation Coordinator gave her 2011 activities presentation. The Mount A Conservation Program is a cooperative effort of 7 members including the Towns of York and South Berwick, the York Water District, the Maine Department of Inland Fisheries & Wildlife, the Great Works Regional Land Trust, the York Land Trust, and The Nature Conservancy. The 2011 season was highlighted by trail improvements and remediation, general maintenance and upgrades to signage and facilities. Public outreach and improvements to the Learning Lodge at the summit are ongoing.

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

- The Manager received consensus to schedule budget workshops for Tuesday's and Thursday's at 6:30pm.
- The Manager presented his FY 2013 budget to the Council. He stated that the operating budget is "less than flat line". He added that the general fund is in good shape with an anticipated yearend balance of about \$2.5 million. He also stated that the budget must be looked at realistically. The tax rate and LD1 would be determined later.
- The library move is underway. The new library will open on March 6<sup>th</sup>.
- Made note of the accident at the Main & Norton Streets crosswalk. Small children bolted out into the road and were struck by a slow moving vehicle; everyone is ok. Mr. Ellsworth encouraged all adults with children at crosswalks to be extra vigilant.

### **New Business**

1. The Manager asked the Council to table action on the initiation of a bid package for the Police audio recorder. He made note that he will be meeting with Kittery regarding dispatch services and felt it would be appropriate to hold off on any purchases until after the meeting.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to table action on the initiation of a bid package for an audio recorder until the next meeting.

2. On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to renew the Solid Waste Hauler License for Jayco Disposal through January 31, 2013.

3. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to accept the \$300 AMA Foundation Grant (through York Hospital) for Recreation Department staff training in new games and rope climbing, with the funds to be deposited into the Recreation Special Revenue account.

4. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to accept the equipment donation of one MOC Combi Streamline Spreader with a value of \$7,025 **from the Firefighter's Association with gratitude.**

### **Council Member Comments**

1. Mr. Webster:

-Asked if there had been any progress with getting the DOT to move the 25mph sign on Portland Street. Mr. Ellsworth stated there has been no progress. Mr. Kareckas commented that a flashing 25mph sign that only lights up when traffic is present might be more attention grabbing.

2. Mr. Kareckas:

-Commented that the council still needs to discuss the cemetery issue.

3. Mr. MacPherson:

-Made note of the fact the Cemetery Association had received a \$25 donation because of the article in the most recent Quamphegan newsletter.

### **Executive Session**

On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to enter executive session at 7:37pm pursuant to 1MRSA §405.6D to discuss the Professional Union contract.

The following was reported to the Clerk by the Manager:

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to end the executive session at 8:15pm.

### **Adjournment**

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to adjourn the meeting at 8:16pm.

Attested:

Barbara Bennett, CCM

TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00030045	132500 SECRETARY OF STATE M/V	03/13/2012	12,246.45
00030046	189999 REFUNDS	03/13/2012	43.00
00030047	189999 REFUNDS	03/13/2012	28.00
00030048	189999 REFUNDS	03/13/2012	28.00
00030049	189999 REFUNDS	03/13/2012	28.00
00030050	010336 AGGREGATE RECYCLING CORP	03/13/2012	1,585.23
00030051	010530 ALUMINUM LADDER CO	03/13/2012	49.55
00030052	011250 TREASURER, STATE OF MAINE	03/13/2012	47.00
00030053	011475 ATLANTIC BROOM	03/13/2012	330.00
00030054	020220 CATALINA BAKAS	03/13/2012	23.96
00030055	020225 BAKER & TAYLOR	03/13/2012	13.54
00030056	021375 H T BERRY COMPANY INC	03/13/2012	310.27
00030057	022850 BUSINESS EQUIPMENT UNLIMITED	03/13/2012	7.95
00030058	022240 GARY BOUCHER	03/13/2012	360.22
00030059	022503 SHARON BRASSARD	03/13/2012	6.48
00030060	030028 CABELA'S RETAIL INC	03/13/2012	739.45
00030061	030500 CENTRAL MAINE POWER/CREDIT, COLL	03/13/2012	122.00
00030062	030510 CENTRAL MAINE POWER	03/13/2012	2,577.06
00030063	193300 CITIZENS BANK	03/13/2012	50.00
00030064	031425 COLONIAL LIFE & ACCIDENT INS.	03/13/2012	1,262.73
00030065	031430 COMCAST	03/13/2012	99.95
00030066	031579 CONSTELLATION NEW ENERGY	03/13/2012	2,070.78
00030067	040105 DAYTON SAND & GRAVEL	03/13/2012	726.80
00030068	050802 PERRY ELLSWORTH	03/13/2012	288.46
00030069	050815 EMPLOYEE HEALTH & BENEFITS	03/13/2012	675.85
00030070	061500 FOSTER'S DAILY DEMOCRAT	03/13/2012	64.40
00030071	070200 P GAGNON & SON INC	03/13/2012	3,482.96
00030072	070280 GENERAL CODE PUBLISHERS	03/13/2012	1,195.00
00030073	070565 GORHAM LEASING GROUP	03/13/2012	96.56
00030074	071050 GREAT FALLS CLEANERS	03/13/2012	306.25
00030075	071307 GULF/FLEET FUNDING	03/13/2012	2.00
00030076	191330 HANNAFORD'S	03/13/2012	390.92
00030077	080248 HANSCOM'S TRUCK STOP INC	03/13/2012	9,247.12
00030078	080998 HOME DEPOT	03/13/2012	131.20
00030079	081305 HSE	03/13/2012	38.00
00030080	089010 INDUSTRIAL BURNER SERVICES INC	03/13/2012	271.69
00030081	090120 INLAND FISHERIES & WILDLIFE	03/13/2012	290.00
00030082	120170 LACAL EQUIPMENT INC	03/13/2012	798.03
00030083	120510 LAWSON PRODUCTS INC.	03/13/2012	183.80
00030084	130626 MAINE OXY/SPEC AIR GASES	03/13/2012	38.93
00030085	133375 MAINE ENERGY RECOVERY CO.	03/13/2012	4,557.94
00030086	132400 MAINE SAD #35	03/13/2012	510,943.28
00030087	133376 LUKE MARTIN	03/13/2012	100.00
00030088	210783 MATHESON TRI-GAS INC	03/13/2012	138.74
00030089	131500 MCFARLAND SPRING CORP.	03/13/2012	552.48
00030090	133775 F L MICHAUD	03/13/2012	175.00
00030091	133795 MICK BODYWORKS	03/13/2012	12.76
00030092	134200 MAINE MUNICIPAL ASSO (INS)	03/13/2012	2,205.00
00030093	127000 CORRINE J MAHONY	03/13/2012	1,560.00
00030094	140105 NAPA OF SOMERSWORTH	03/13/2012	929.63
00030095	141080 NEXTEL	03/13/2012	125.73
00030096	141300 NO. BERWICK LUMBER & HARDWARE	03/13/2012	328.15
00030097	141384 NORTHEAST PAGING	03/13/2012	24.16
00030098	133378 NORTON STREET NRLP	03/13/2012	300.00
00030099	141426 NORTRAX/POWERPLAN	03/13/2012	473.40
00030100	150075 O'CONNOR	03/13/2012	295.00

Check Number	Account	Date Paid	Amount
00030101	150720 PAC-N-ARMS	03/13/2012	200.00
00030102	160900 PORTLAND NORTH TRUCK CENTER	03/13/2012	1,374.06
00030103	180409 JAY REDIMARKER	03/13/2012	12.50
00030104	180470 RICCI CONSTRUCTION INC	03/13/2012	33,250.00
00030105	190094 SANEL AUTO PARTS CO	03/13/2012	1,601.98
00030106	132500 SECRETARY OF STATE M/V	03/13/2012	15,168.63
00030107	192650 SO BERWICK SEWER DISTRICT	03/13/2012	72.00
00030108	193410 SO MAINE REGIONAL PLANNING CM	03/13/2012	247.20
00030109	193605 SOUTHWORTH-MILTON, INC	03/13/2012	248.88
00030110	193640 STAPLES	03/13/2012	99.99
00030111	193660 STARKEY FORD INC	03/13/2012	295.00
00030112	200100 TARASON ENTERPRISES INC	03/13/2012	300.00
00030113	133105 TREASURER OF STATE/C.WPNS	03/13/2012	65.00
00030114	133113 TREASURER OF STATE/ATV	03/13/2012	598.00
00030115	201300 TWO-WAY COMMUNICATION SERV INC	03/13/2012	1,544.92
00030116	230300 WALMART COMMUNITY BRC	03/13/2012	97.73
00030117	230915 WHITED TRUCK CENTERS	03/13/2012	201.94
00030118	231205 F.A.WILDNAUER WOODWORK	03/13/2012	757.81
00030119	231500 WITMER PUBLIC SAFETY GROUP	03/13/2012	1,859.40
00030120	241000 YORK COUNTY TOWN/CITY CLERKS	03/13/2012	12.00
Total Not Prepaid			608,612.45
Total Prepaid			12,373.45
Grand Total			620,985.90

WARRANT NUMBER ..... \$ 620,985.90 DATE 03/08/2012

\* \* \* 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.

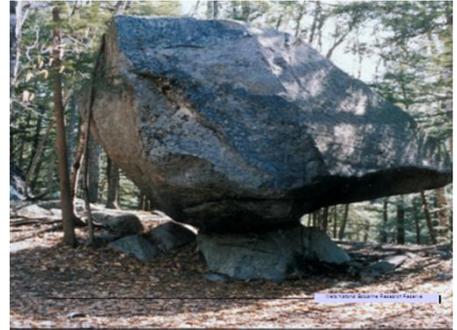
TOWN COUNCIL:  
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# **Request by Great Works Regional Land Trust for the Town Council to release the \$35,000 voted for the protection of the Balancing Rock Parcel**

**March 13, 2012**

**Tin Smith, representative**

**2005.** In an ongoing effort to protect the natural, scenic, and cultural resources of the Tatic Region using the South Berwick Comprehensive Plan as guidance the Great Works Regional Land Trust secured purchase and sale agreements on four parcels of property that were on the market including 152 total acres (see attached Tatic Corridor map). All but 8 of the acres are in South Berwick. The estimate for completing the four projects was \$1,289,205.



**2006.** GWRLT began fundraising. Sources included the Land for Maine's Future Program, North American Wetland Conservation Program, the Town of South Berwick, private foundations and private individuals.

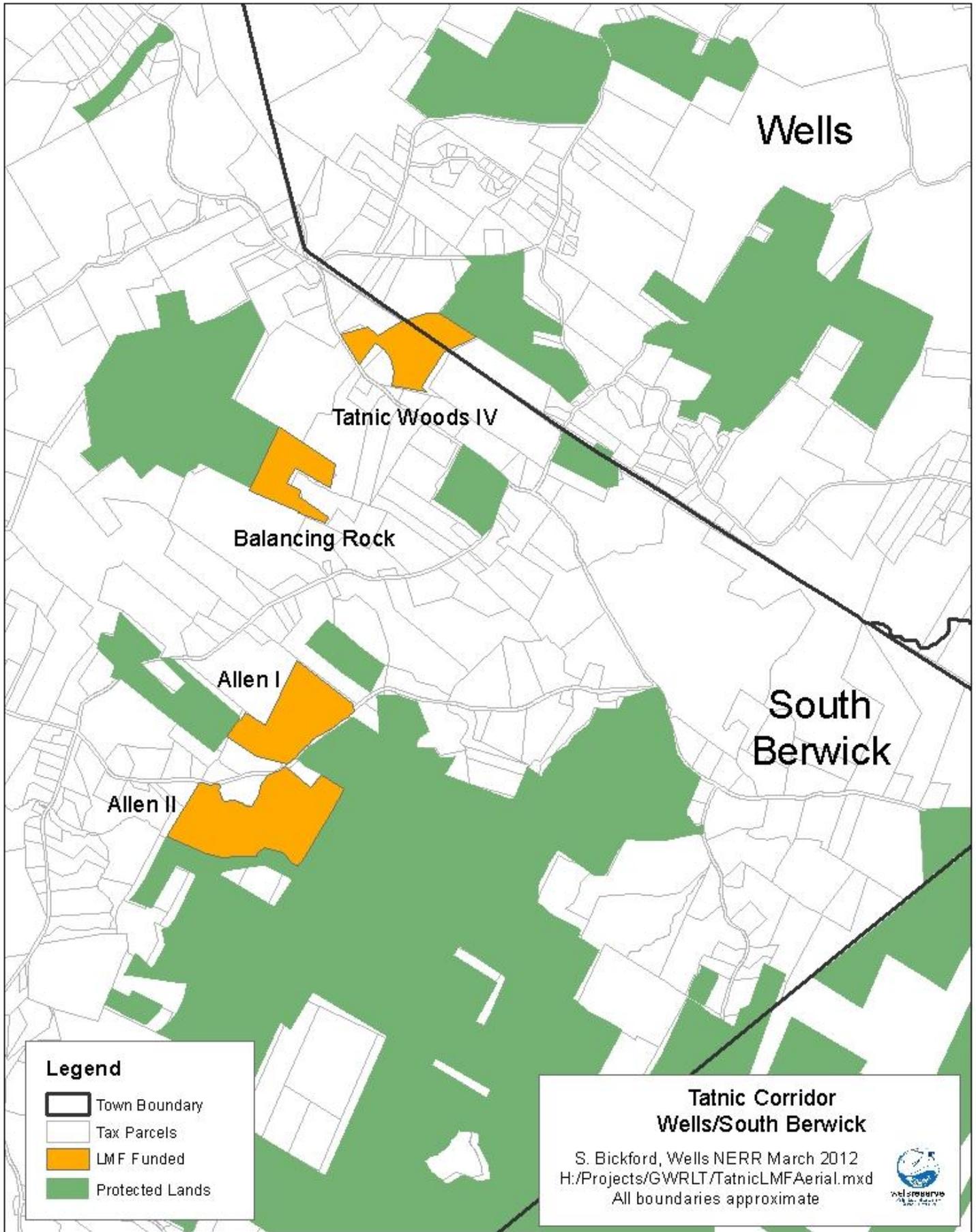
**Special Town Meeting Warrant, July 24, 2006, ARTICLE 5:** To see what sum the Town will vote to appropriate and expend from the Undesignated General Fund Balance to be granted to the Great Works Regional Land Trust to purchase the property known as the "Balancing Rock".  
Town Council Recommends: \$35,000

**Meeting minutes:** Robert Gagne made a motion to appropriate and expend \$35,000 from the Undesignated General Fund Balance to be granted to the Great Works Regional Land Trust to purchase the property known as the "Balancing Rock".  
Article 5 passed with a vote of 121 yes and 16 no.

**2007.** As instructed by the Town, GWRLT completed the acquisition of all four parcels before requesting reimbursement for the \$35,000 the Town had committed. In April of 2007 the Council acting on a letter from its attorney (Christopher Vaniotis) voted to delay the disbursement of the funds until it could be determined that the actual Balancing Rock was on the parcel known as "Balancing Rock".

**2007-2011.** In response, GWRLT, hired Great Hill Survey and engaged the four abutting neighbors. A written agreement was signed by one and verbal agreements were reached with the remaining three. The monumentation per the agreements was set in the field, and a survey plan was completed (see attached). In addition GWRLT constructed trails across the Balancing Rock property and to the Balancing Rock which have been open and regularly used by the public for the past five years without incident or conflict.

**2012.** A confirming letter (see attached) was sent to the abutting landowners on the agreed upon and monumented survey line.



**Law Office of Mark W. Lawrence**

243 Main Street  
PO Box 310  
South Berwick, Maine 03908-0310

Licensed in Maine and New Hampshire

Telephone (207) 384-5105

Facsimile (207) 384-5106

February 3, 2012

Barry A. and Julie L. Person  
535 Emery's Bridge Road  
South Berwick, ME 03909

Margaret J. MacLeod  
c/o Gary R. MacLeod  
25 Springfield Road  
Belmont, MA 02478

Ruth E. Charbonneau  
563 Emery's Bridge Road  
South Berwick, ME 03908

Re: Great Works Regional Land Trust boundaries with properties of Charbonneau,  
MacLeod and Person

Dear Mr. & Mrs. Person, Ms. MacLeod and Ms. Charbonneau,

I represent the Great Works Regional Land Trust (GWRLT).

GWRLT is the owner of a certain parcel of land in South Berwick, Maine which is recorded in the York County Registry of Deeds at Book 8358, Page 56 and appears in the South Berwick Property Tax Maps as Map 10, Lot 33. Your property shares a border with this property of the GWRLT.

As you know, the deed descriptions of these properties contain overlapping claims to a triangular portion of property, or gore, where the property boundaries come together. The four property owners and/or their representatives have engaged in several years of discussion in an effort to reach an agreement on a property line.

In this process the service of the Great Hill Survey Company of North Berwick, Maine was engaged by the GWRLT. After meeting with representatives of the property owners, an agreement was reached on a proposed compromise property line which was described in a survey entitled, Plan Showing Boundary Survey for Margaret J. MacLeod et. als., dated July 5, 2010 and prepared by Great Hill Survey Company. In addition, this property line was walked with representatives of all the abutters. Large boulders were identified and later marked with drill holes, steel rods and flags to place this compromise property line on the face of the earth. All expenses were paid by GWRLT.

Despite coming close to formalizing this agreement based on this compromise property line through the execution of boundary agreements, the parties have yet to sign those agreements. At this point in time, the GWRLT must move forward based on an assumed property line with the hope that the parties will ultimately execute the boundary line agreements.

The purpose of this letter is to inform all abutters that the GWRLT will be proceeding on the basis that the legal property line between these four properties is as represented in the above mentioned survey as previously verbally agreed upon by all parties and marked on the land itself. A written description of this boundary line is provided in the enclosed attachment. For your convenience, I have also attached a copy of the MacLeod survey reduced to 8 ½" by 11".

Nothing in this letter should be construed to represent an antagonistic relationship between the GWRLT and any of the abutters. To the contrary, the GWRLT has experienced nothing but a friendly relationship during these discussions. It is simply that, in order to fully utilize its property, the GWRLT must move forward with an established property line that it believes best represents the boundary line between these four properties and one that the GWRLT can legally defend if challenged.

It is the GWRLT strong hope that the four parties will execute the boundary line agreements and the matter will be formally resolved. Until that time, the GWRLT is proceeding on the basis that the compromise boundary line best represents its property interests.

Should you have any questions or you would like to proceed and sign the boundary agreement, please feel free to contact me or GWRLT.

Thank you for your attention to this matter.

Sincerely,



Mark W. Lawrence  
Attorney at Law

MWL/hs  
enc.

cc: Darrell DeTour, Stewardship Coordinator  
Great Works Regional Land Trust

## BOUNDARY LINE DESCRIPTION

Beginning at a 5/8" iron rod set with a plastic cap marked "GREAT HILL SURV ME PLS 2299" in a boulder at the intersection of lands now or formerly of: Barry A. & Julie L. Person; Margaret J. MacLeod; and the Great Works Regional Land Trust; thence turning and running one hundred and forty-four and thirty-six hundredths feet (144.36') in a southeasterly direction 81°, 02', 45" along the boundary between the properties of said Great Works Regional Land Trust and said MacLeod to a 5/8" iron rod set with a plastic cap marked "GREAT HILL SURV ME PLS 2299" in a boulder; thence turning and running one hundred and fifty-four and eighty hundredths feet (154.80') in a southeasterly direction 53°, 03', 10" along the boundary between the properties of said Great Works Regional Land Trust and said MacLeod to a 5/8" iron rod set with a plastic cap marked "GREAT HILL SURV ME PLS 2299"; thence turning and running two hundred and forty-six and ten hundredths feet (246.10') in a southeasterly direction 57°, 43', 55" along the boundary between the properties of said Great Works Regional Land Trust and said MacLeod to a 5/8" iron rod set with a plastic cap marked "GREAT HILL SURV ME PLS 2299" in a boulder; thence turning and running one hundred and sixty-four and one hundredth feet (164.01') in a southeasterly direction 54°, 00', 00" along the boundary between the properties of said Great Works Regional Land Trust and said MacLeod to a small triangular mark in a boulder at the end of a wire fence which marks the westerly corner of property of said MacLeod; thence turning and running one hundred and thirty-five and sixteen hundredths feet (135.16') in a southeasterly direction 40°, 45', 50" along the boundary between the properties of said Great Works Regional Land Trust and land now or formerly of Ruth E. Charbonneau to an 1/2" iron rod found with a cap marked "LAWSON RLS 147" at the intersection of lands of said Charbonneau, GWRLT and land now or formerly of Lorraine H. and Clayton Boston, Jr.



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

<b>Meeting Date: March 13, 2012</b>	<b>Item # UB 1</b>
<b>Agenda Item: Authorization to bid</b>	
<b>Department Head Recommendation: Chief Dana P. Lajoie</b>	
<p>In accordance with the purchasing policy, approval is requested to initiate the formal bid process for a replacement audio recorder for Police/Fire/Rescue. The estimated cost for this item is \$16,000. The recorder has been a planned purchase under the Public Safety CIP for the past two years. The approximate balance in the account is \$39,000. No other purchases are planned from this account during the current fiscal year.</p>	
<b>Town Manager's Recommendation</b>	
<p>Approve request.</p>	
<b>Requested Action</b>	
<p>Motion to authorize the Police Chief to initiate a bid package for an audio recorder.</p>	
<b>Vote</b>	



# TOWN COUNCIL

## *Agenda Information Sheet*

<b>Meeting Date: March 13, 2012</b>	<b>Item # UB 2</b>
<b>Agenda Item: Zoning Amendment Request</b>	
<b>Town Manager's Recommendation</b>	
<p>Attached please find a copy of the letter read at the Council Meeting on February 14<sup>th</sup>. The resident is requesting the Council amend the Zoning Ordinance.</p> <p>Chapter 140-6  A. An amendment to this chapter may be initiated by:</p> <ol style="list-style-type: none"> <li>(1) Written petition of a number of voters equal to at least 10% of the registered voters of the Town and following the provisions of the Town Charter, Article VIII, Section 2.</li> <li>(2) The Town Council, provided that a majority of the Council has so voted.</li> <li>(3) The Planning Board, provided that a majority of the Board has so voted.</li> <li>(4) An application by any individual to the Planning Board, as long as a majority of the Board so votes.</li> </ol> <p>Does the Council wish to pursue this amendment and if so, are your wishes to have the Planning Board work on the language with SMRPC?</p>	
<b>Requested Action</b>	
Council wishes.	
<b>Vote</b>	

Donald Bolstridge  
169 York Woods Road  
South Berwick, Me. 03908  
207-251-6108

February 13, 2012

Town Council, South Berwick, Maine

My name is Donald Bolstridge and I live at 169 York Woods Road.

I am permitted to have a home occupation in the name of Superior Trucking and only park my trucks at this address overnight. I do not conduct any construction activity at this address. My vehicles are all registered in South Berwick, and I pay excise tax of approximately \$8,000 to \$10,000 per year.

There was a complaint filed with the Code Enforcement Officer that I was parking my registered vehicles in my yard in violation of the zoning ordinance.

The vehicles are only parked and there is no other commercial activity as far as conducting business on my property, which is on "Route 91" a State Highway.

The Planning Board found me in violation of the ordinance. I appealed to the Zoning Board of Appeals at the recommendation of the CEO. At the hearing the ZBA was not able to rule due to the fact that it was not a dimensional issue.

In order to keep my business and resident in South Berwick, I am requesting the assistance of the Town Council to review the R-3 district on Rte 91, which again is a State Highway, and is in close proximity to the industrial zone for the Town of South Berwick.

There are many other business/contractors in residential zones that have been "grandfathered" and continue to expand their businesses beyond the adoption of the zoning ordinance.

In short, my request would be for the Town Council to review and look at an adjustment to the R-3 zone to allow for more economic growth on Rte 91 corridor.

The issue has become a hardship in trying to grow my business in South Berwick. Without any relief in this request I may have to relocate. The town will see a loss of revenue when looking for growth of the commercial and industrial development.

Thank you for your consideration,

Donald P. Bolstridge



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

<b>Meeting Date: March 13, 2012</b>	<b>Item # NB 1</b>
<b>Agenda Item: Action on Great Works Regional Land Trust request</b>	
<b>Town Manager's Recommendation</b>	
Tin Smith requested an item be placed on the agenda as a placeholder for any action the Council may wish to take on their request.	
<b>Requested Action</b>	
Council wishes.	
<b>Vote</b>	



**TOWN COUNCIL**

***Agenda Information Sheet***

<b>Meeting Date: March 13, 2012</b>	<b>Agenda Item NB # 2</b>
<b>Subject:</b> Solid Waste Hauler License for Troiano Waste Services Inc.	
<b>Information:</b>	
This is a renewal request. The proper fees have been remitted (\$200). No issues have been reported.	
<b>Staff Comments/Recommendation:</b>	
Recommend approval.	
<b>Requested Action:</b>	
Motion to approve the Solid Waste Hauler License for Troiano Waste Services through March 31, 2013.	
<b>Vote:</b>	

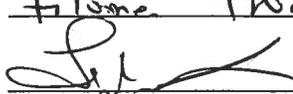
Town of South Berwick  
Solid Waste Haulers License Application

Name of Hauler Troiano Waste Services Inc.  
 Hauler's Address Po Box 3541  
Rutland, Me 04104  
 Email address: Troianowst@aol.com  
 Telephone 207-767-2070

Vehicle Information:

Plate #	Make	Model	Color	VIN Number	Vehicle Weight
<u>784706</u>	<u>MACK</u>	<u>MR688S</u>	<u>white/ blue</u>	<u>1M2K189C57M038016</u>	<u>66,000</u>
<u>957931</u>	<u>MACK</u>	<u>600</u>	<u>white/ blue</u>	<u>1M2AV04C3CM008614</u>	<u>69,000</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____

New licenses are \$200 plus \$50 per truck. Renewals are \$100 plus \$50 per truck.

Prepared by (please print) Filomena Troiano  
 Signature: 

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

<b>Meeting Date: 03/13/2012</b>	<b>Agenda Item # NB 3</b>
<b>Agenda Item</b>	
Release Deed –Map 4 Lot 22A	
<b>Town Manager’s Recommendation</b>	
By law when tax liens are paid after the foreclosure date, a release deed is required to be executed in place of a discharge. In this case, all outstanding taxes including current taxes were paid during the extended redemption period in order to redeem the property.	
<b>Requested Action</b>	
Motion to sign the release deed for Map 4 Lot 22A and record it 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 REBECCA MICHAUD**, 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 172** Map 4 Lot 22A 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 H. Webster, its Town Council, thereunto duly authorized, the 13th day of March 2012.

WITNESS TO ALL:

TOWN OF SOUTH BERWICK

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF MAINE  
YORK, SS  
March 13, 2012

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

Before me,

Barbara Bennett  
Notary Public

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

<b>Meeting Date: March 13, 2012</b>	<b>Item # NB 4</b>
<b>Agenda Item: Request authority to issue RFP for phone system</b>	
<b>Town Manager's Recommendation</b>	
<p>In accordance with the Purchasing Policy, staff requests the authority to advertise a Request for Proposals (RFP) to replace the existing phone system at Town Hall. Funding for this purchase was approved by the voters on June 1, 2010 as part of the \$960,000 Town Meeting Bond.</p> <p>Further request the Council's blessing to draft an amendment to the Purchasing Policy which would authorize staff to obtain bids for purchases approved through Town Meeting. Once bids have been received and it is determined that adequate funding exists, the Council would then be presented with the Manager's recommendation for awarding the bid.</p>	
<b>Requested Action</b>	
<p>Motion to authorize the Town Manager to initiate the bid package for a new phone system at Town Hall.</p> <p>Council wishes re: Purchasing Policy</p>	
<b>Vote</b>	



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

<b>Meeting Date: March 13, 2012</b>	<b>Item # NB 5</b>
<b>Agenda Item: Set Joint Public Hearing: Zoning Amendments</b>	
<b>Town Manager's Recommendation</b>	
<p>The Planning Board has reviewed the Zoning Amendments drafted by Jonathan Lockman of SMRPC and forwarded the same to the Council for a public hearing. State Law requires the Planning Board hold one public hearing. The Town Charter requires the Council to hold a public hearing. In order to expedite this process a joint hearing may be held.</p> <p>Posting for a Zoning amendment requires a 13 day notice be posted at the municipal office and two notices in a local newspaper; one 12 days prior and another 7 days prior to the hearing. In order to meet these posting requirements, staff suggests a joint public hearing on April 4<sup>th</sup>, 2012 at 7 pm.</p>	
<b>Requested Action</b>	
<p>Motion to set a joint public hearing (Planning Board &amp; Town Council) for the purpose of hearing comments on the proposed Zoning Ordinance Amendment on Wednesday April 4<sup>th</sup> at 7 pm.</p>	
<b>Vote</b>	

**MEMORANDUM**

**To:** South Berwick Planning Board Members  
Perry Ellsworth, Town Manager, Town of South Berwick  
Joe Rousselle, Code Enforcement Officer  
**From:** Jonathan T. Lockman AICP, Planning Director, SMRPC  
**Date:** March 8, 2012  
**RE:** Amendments to Zoning to Clarify Definition of Congregate Housing

Attached is a copy of the text approved last night, for consideration by the Council.

Please let me know if you have any questions.

Acton  
Alfred  
Arundel  
Baldwin  
Berwick  
Biddeford  
Brownfield  
Buxton  
Cornish  
Dayton  
Denmark  
Eliot  
Fryeburg  
Hiram  
Hollis  
Kennebunk  
Kennebunkport  
Kittery  
Lebanon  
Limerick  
Limington  
Lovell  
Lyman  
Newfield  
North Berwick  
Ogunquit  
Old Orchard Beach  
Parsonsfield  
Porter  
Saco  
Sanford  
Shapleigh  
South Berwick  
Stoneham  
Stow  
Sweden  
Waterboro  
Wells  
York

**SOUTH BERWICK ZONING ORDINANCE  
AMENDMENT TO  
CHAPTER 140**

AN ORDINANCE TO AMEND THE SOUTH BERWICK ZONING ORDINANCE, CHAPTER 140, AS FOLLOWS, TO CLARIFY THE DEFINITION OF "CONGREGATE HOUSING."

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol "\*\*\*\*\*" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

\*\*\*\*\*

**§ 140-9. Definitions.**

\*\*\*\*\*

**CONGREGATE HOUSING**

A dwelling or group of dwellings and shared community space, providing shelter and services for ~~the elderly persons~~, which may include meals, housekeeping, transportation, recreational activities, and personal care assistance, and the like. Elderly persons shall mean a person 55 years old or older, or a couple that constitutes a household with at least one member who is 55 years old or older at the time of entry into the facility. A person who meets the definition of "disabled" or "handicapped" as set forth 501(b) of the Housing Act of 1949, the Fair Housing Act, the Americans with Disabilities Act or the Rehabilitations Act of 1973, or in regulations issued by either the United States Department of Housing and Urban Development or the United States Department of Agriculture, Rural Development shall be deemed to meet the congregate housing age requirements of this ordinance, and may occupy units within such developments, even if that person is not 55 years or older or is not part of a household with another member who is 55 years or older.

Congregate housing shall include either or both of the following types of uses:

1. Dwelling units as defined by this Ordinance; or
2. Residential units which do not meet the definition of dwelling unit because they have no cooking facilities within each unit.

Congregate housing is distinct from "dwelling, multifamily," or "nursing homes," and shall not be required to meet the standards of § 140-46.

\*\*\*\*\*

Note: In addition, amend Chapter 140, Attachment 1 – Table A, Land Use so that “Congregate Housing” requires a major site plan review (“MSP”) in the B1 and B2 districts, as shown below:

Land Uses	R1, RIA	R2, R2A	R3	R4	R5	B1	B2	SP	RP	I1	I2	BR
Congregate Housing	MSP	MSP	N	N	N	∓ <u>MSP</u>	∓ <u>MSP</u>	MSP	N	N	N	MSP

\* \* \* \* \*

Be it ordained by the Town Council of the Town of South Berwick that the amendments to sections 140-9 and chapter 140, Attachment 1 – Table A, as indicated above, be adopted as amendments to Chapter 140: Zoning, for the Town of South Berwick.

Signed this \_\_\_ day of \_\_\_, \_\_\_\_\_ by the Municipal Officers:

/s/ \_\_\_\_\_  
David Burke

/s/ \_\_\_\_\_  
Gerald W. MacPherson, Sr.

/s/ \_\_\_\_\_  
Jean Demetracopoulos

/s/ \_\_\_\_\_  
David H. Webster

/s/ \_\_\_\_\_  
John Kareckas

Public Hearing: \_\_\_\_\_  
Date

Adopted: \_\_\_\_\_  
Date