

**South Berwick  
Board of Assessors  
August 14, 2012**

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 7:05pm. Assessors present included Jean Demetracopoulos, David H. Webster, David Burke, and John C. Kareckas. Town Manager Perry Ellsworth and Assessing Agent Craig Skelton were also in attendance.

The total Town valuation is \$645,002,018. New construction, alterations, and property splits increased real estate values by \$2,349,915. Business personal property tax increased \$1,478,700. Upgrades by Central Maine Power and Comcast of Maine were the largest increases. Mr. Skelton recommended a 2012/2013 tax rate of \$16.20, based on valuation changes, Municipal, County, and school assessments.

Mr. Burke made a motion to set the tax rate at \$16.00 per \$1000 of valuation. Mr. Webster seconded the motion.

Discussion ensued regarding the school budget increase of \$.65. Mrs. Demetracopoulos commented that the town cannot continue the practice of absorbing the school increases by cutting the municipal budget.

Mr. Burke commented that he thought the school budget went down. He added that it is important to maintain a minimum general fund balance; and we still need to be concerned with the capital improvements plan, especially for roads.

Mr. **MacPherson stated that we "can't continue to take the school increases on our backs".**

Mrs. Demetracopoulos stated that the math for her is simple; the school budget is up \$.65 so the tax rate should go up \$.65.

The motion to set the tax rate at \$16.00 failed by a vote of 2-3 (Mr. MacPherson, Mrs. Demetracopoulos, and Mr. Kareckas opposed).

Mrs. Demetracopoulos made a motion to set the tax rate at \$16.15. The motion was seconded by Mr. Kareckas.

Mr. Burke commented that the proposed rate of \$16.15 **is good financially, but doesn't** believe the rate needs to be that high.

The motion to set the tax rate at \$16.15 passed with a vote of 4-1 (Mr. Burke opposed).

On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to adjourn the meeting at 7:28pm.

Attest:

Barbara Bennett, CCM  
Town Clerk



## **South Berwick Town Council August 14, 2012**

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 7:32pm. 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 7-24-12: On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to adopt the minutes as written.

### **Treasurer's Warrant – Aug 14, 2012**

On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant in the amount of \$947,936.33.

### **Public Comment**

1. Rudolph Holmander, Berwick Rd, addressed the Council in regard to the upcoming DOT reconstruction of Berwick Road. He expressed a number of concerns with the project; noting that increased traffic, heavy trucks, and speeding have created a significant safety issue. He requested that the Council contact the DOT to put a hold on the project until further studies can be conducted. **[Mr. Holmander's letter is attached in the record book.]**

It was agreed to place the item on the next agenda for possible Council action.

2. Tom Vollert, Salmon Falls Veterinary Hospital (F/K/A South Berwick Vet Hosp) asked the Council about Business Directional Signs. He stated that he would like to see an ordinance change that would allow them. Manager Ellsworth commented that the Town has received three more requests for the signs.

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

-Public Works:

-Road work is progressing.

-Curbside weeds were sprayed last Sunday (contracted out).

-The mower has been repaired and the crew is working on the road side mowing.

-We have been talking with Kittery, Eliot and Berwick in regard to combining dispatch services.

The numbers look good if dispatches are combined; each town would .

-MERC: The lead team (made up of officials from several towns) will be meeting with Casella to discuss future options.

-Reminded everyone that Lantern Fest will be held at Springhill on August 22<sup>nd</sup>.

-The union fact finding process is complete. We will be meeting on September 19<sup>th</sup>.

-The main room for the **library will be complete for occupancy in 3 weeks. To date, the Friends'** have raised \$654,000; an additional \$500,000 is still needed.

-Will be out **of the office next week for the Manager's convention and vacation time.**

-**Avesta will be on the Planning Board's agenda for Wednesday's meeting** to begin the site plan review.

### **Unfinished Business**

1. The Council continued its discussion regarding **crossing guards and the school's involvement** in the funding.

**Mr. Webster commented that it was "unfortunate, they heard one thing and we heard another".** He stated that the PTO should step up and be trained to take on the task. He added that he is not in favor of municipal funding for the position.

Mrs. Demetracopoulos commented that if it were a Town function; we could be creative in how the task is accomplished.

Mr. Kareckas stated that he is willing to accept responsibility for the safety of the streets; however, **there is a flaw in the School Board's** Transportation Policy. It requires even the youngest kids to walk if they live closer than 3/4 of a mile from the school. He added that he is willing to follow the **Police Chief's recommendations.**

**Mr. MacPherson stated "it felt like we got the bum's rush" out of the workshop.**

On a motion by Mr. Webster, seconded by Mr. Burke, it was unanimously voted for South Berwick to assume the future funding of a safe crossing for kids at the Town Hall and Central School if the school funds the crossing guard position this year. [Currently 1 hour in the morning & 1 hour in the afternoon]

### **New Business**

1. The Council discussed the County change from an annual year to a fiscal year. This will result in two assessments during our fiscal year 2014. There will be a six month assessment due December 31, 2013 and the full year assessment due September 1, 2013. Municipalities have the option to pay the six month assessment in one lump sum or spread over five years plus interest.

On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to pay both the six month assessment and the full year assessment in full.

2. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the audit engagement letter with Smith & Associates, CPAs.

### **Council Member Comments**

1. Mr. Burke:

-Commented (to Councilor Demetracopoulos) that the Memorial Island flower beds could use her help.

2. Mrs. Demetracopoulos:

-Encouraged everyone to attend Lantern Fest.

-Continues to be impressed at how much has been accomplished on the new library in the last year.

3. Mr. Kareckas:

-Commented that he has received complaints about the condition of Witchtrot Road and is glad to see it is on the list.

-Commented that he had company over the weekend and they visited the library. They were quite impressed with the library and the senior housing plans.

### **Adjournment**

On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 8:57pm.

Attested:

Barbara Bennett, CCM

TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00031100	132500 SECRETARY OF STATE M/V	08/28/2012	11,139.65
00031101	189999 REFUNDS	08/28/2012	200.00
00031102	010525 G&K SERVICES	08/28/2012	822.78
00031103	010585 AMAZON	08/28/2012	76.18
00031104	020225 BAKER & TAYLOR	08/28/2012	297.82
00031105	020790 APPLIED INDUSTRIAL TECH	08/28/2012	248.22
00031106	021300 BERNSTEIN SHUR	08/28/2012	54.00
00031107	021375 H T BERRY COMPANY INC	08/28/2012	426.92
00031108	030500 CENTRAL MAINE POWER/CREDIT,COLL	08/28/2012	299.50
00031109	030565 CHEAPER THAN DIRT	08/28/2012	23.95
00031110	030920 CLEAN-O-RAMA	08/28/2012	119.07
00031111	031430 COMCAST	08/28/2012	102.00
00031112	031570 CONSOLIDATED ELECTRICAL	08/28/2012	11.94
00031113	031997 NANCY CROWLEY	08/28/2012	123.55
00031114	032002 EARTHLINK BUSINESS	08/28/2012	1,264.16
00031117	040105 DAYTON SAND & GRAVEL	08/28/2012	798.56
00031118	040520 DIGITAL INK PRINTING	08/28/2012	305.00
00031119	040530 DEDE DIONNE	08/28/2012	71.72
00031120	041165 DOWN EAST MAGAZINE	08/28/2012	36.00
00031121	050500 KAREN EGER	08/28/2012	55.84
00031122	050785 ELIMINATOR INC	08/28/2012	390.00
00031123	071180 GROUP DYNAMIC INC	08/28/2012	154.00
00031124	071307 GULF/FLEET FUNDING	08/28/2012	36.00
00031125	080248 HANSCOM'S TRUCK STOP INC	08/28/2012	2,752.93
00031126	080450 HARVARD PILGRIM HEALTH CARE	08/28/2012	26,403.87
00031127	080500 BEVERLY HASTY	08/28/2012	36.40
00031128	081055 FERN HOULIARES	08/28/2012	145.91
00031129	100150 JANETOS MARKET	08/28/2012	42.39
00031130	100680 KA-BAR KNIVES, INC.	08/28/2012	166.93
00031131	120535 LCEO, LLC	08/28/2012	133.00
00031132	120970 LIBBY SCOTT INC.	08/28/2012	123,310.58
00031133	130670 MAINE RESOURCE/RECOVERY	08/28/2012	480.00
00031134	132400 MAINE SAD #35	08/28/2012	2,576.26
00031135	132500 SECRETARY OF STATE M/V	08/28/2012	14,049.38
00031136	133000 MAINE PERS	08/28/2012	1,693.15
00031137	133107 TREAS,STATE OF MAINE/DEP	08/28/2012	256.00
00031138	133195 MAINE TURNPIKE AUTHORITY	08/28/2012	5.85
00031139	133375 MAINE ENERGY RECOVERY CO.	08/28/2012	1,906.00
00031140	133378 NORTON STREET NRLP	08/28/2012	295.00
00031141	133795 MICK BODYWORKS	08/28/2012	379.90
00031142	134300 MAINE MUNICIPAL EMPLOYEES	08/28/2012	3,843.62
00031143	134400 MAINE MUNICIPAL ASSOCIATION	08/28/2012	30,215.50
00031144	134601 EXXON/MOBIL	08/28/2012	587.95
00031145	140235 NASRO	08/28/2012	40.00
00031146	140600 NEPTUNE INC	08/28/2012	143.00
00031147	141354 NORTH COUNTRY TRACTOR INC	08/28/2012	1,129.50
00031148	141367 KONE INC	08/28/2012	192.05
00031149	141400 NORTHERN DATA SYSTEMS INC	08/28/2012	2,250.00
00031150	150775 GREGG PAQUETTE	08/28/2012	49.51
00031151	180117 RAELYNN MOORE	08/28/2012	69.30
00031152	180433 DAN REMICK	08/28/2012	900.00
00031153	180478 GENEST PRECAST	08/28/2012	494.00
00031154	181060 PAT ROBINSON	08/28/2012	46.60
00031155	190540 SEACOAST FIRST AID & SAFETY	08/28/2012	20.25
00031156	191330 HANNAFORD'S	08/28/2012	78.85
00031157	191900 SO BERWICK EMERGENCY RESCUE	08/28/2012	6,848.44

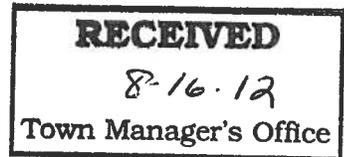
Check Number	Account	Date Paid	Amount
00031158	193619 SPRING HILL	08/28/2012	210.00
00031159	193622 SPRINGER ELECTRICAL SERV INC	08/28/2012	2,059.99
00031160	193640 STAPLES	08/28/2012	15.99
00031161	193660 STARKEY FORD INC	08/28/2012	295.06
00031162	200100 TARASON ENTERPRISES INC	08/28/2012	823.00
00031163	200545 TERMINIX INTERNATIONAL	08/28/2012	50.00
00031164	200700 PIKE INDUSTRIES INC	08/28/2012	2,376.47
00031165	211500 VERIZON WIRELESS	08/28/2012	580.28
00031166	220190 VINE STREET MHP LLC	08/28/2012	330.00
00031167	230300 WALMART COMMUNITY BRC	08/28/2012	39.89
00031168	230720 WELLS RESERVE	08/28/2012	30.00
00031169	240900 YORK COUNTY REGISTRY OF DEEDS	08/28/2012	134.10
Total Not Prepaid			234,204.11
Total Prepaid			11,339.65
Grand Total			245,543.76

WARRANT NUMBER ..... \$ 245,543.76 DATE 08/22/2012

\* \* \* 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:  
 .....  
 .....  
 .....  
 .....



Mr. Rudolph Holmander  
86 Berwick Road  
South Berwick, ME 03908  
207-384-2067 Extension #14

August 15, 2012

Mr. Perry Ellsworth, Town Manager  
Town of South Berwick  
180 Main Street  
South Berwick, ME 03908

Reference: Maine D.O.T. Reconstruction Project Route 236, Berwick Road

Dear Mr. Ellsworth,

In response to State of Maine Department of Transportation condemnation of property located at 86 Berwick Road, enclosed please find statement and information regarding the planned Maine D.O.T. reconstruction project of route 236 Berwick Road, South Berwick.

I am concerned the project is not providing the safest possible development for residents, community and travelers and therefore request the town of South Berwick to immediately place a hold on the project until certain changes can be made to improve safety at the intersection of Tibbets Street and Route 236, Berwick Road.

I would request the town council to consider placing a hold on this project at once until such time the town council has taken the opportunity to consider a plan design change for improved safety; giving attention and review of funds included by the town and having time to consider measures to reduce the bend in the road at the intersection of Tibbets Street and Berwick Road.

Please review the enclosed statement and mark your agenda for August 28 2012 to consider the safety issues raised in this statement. The town must act now to avoid alteration of the right of way scheduled to take place on or about Sept 18 2012. An order to hold project procedures should be issued to Maine D.O.T. no later than Sept 1, 2012.

Eminent domain rights and condemnation of private property does not serve the towns' interest or public safety when a project that may not be adequately funded does not address underlying safety concerns and that may also create new safety issues.

If you have any questions or need additional information please let me know.

Thank You

A handwritten signature in black ink, appearing to read "R. Holmander", written over a horizontal line.

Rudolph Holmander

Enclosures:

Statement against project as is and request for postponement, 5 pages

Condemned property design 86 Berwick Road, 1 page

Maine D.O.T. Aerial views of project, 3 pages

Background of condemned property at 86 Berwick Road, 2 pages

Offer of compensation 86 Berwick road, 2 pages

# Maine D.O.T. Reconstruction Route 236 Berwick Road

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Rudolph Holmander  
86 Berwick Road  
South Berwick, ME 03908  
207-384-2067 Ext. #14

August 15, 2012

Board of Selectmen  
Town of South Berwick  
180 Main Street  
South Berwick, ME 03908

Reference: Reconstruction, Rt.236, 86 Berwick Rd.  
PIN #017852.00  
Maine D.O.T. project #STP-1785(200) X, parcel #15  
Beginning at Main St. for 0.29 mile to Pan Am R.R. tracks.

Subject: Public comment, made against proposed project as is, presented in person to board of selectmen at a regular scheduled meeting on August 14, 2012

Gentlemen,

On August 10, 2012 I was presented with a notice of property condemnation from the State of Maine, Department of Transportation. This notice is in lieu of a plan to take 514 square feet of my abutting property located at 86 Berwick Road, Tax lot reference #69, for reconstruction of route 236. Beginning at Main Street and extending northerly 0.29 mile to the Pan Am Rail Road Tracks.

This letter will serve notice of the projects questionable integrity for safety, and is request for project review by this board, a postponement of legal recordings at the registry of deeds planned on or about September 18, 2012. Specifically the existing sharp bend in the roadway at the intersection of Tibbett Street and 86 Berwick Road with a planned increase in radius of the centerline curve by one to two feet which can result in creating a dead man's curve style bend in the road and higher speed dangers from the resulting widening of the road. (See road plan copies attached)

[Overview]

As a resident and business owner I am concerned of the impact this project will have now and in the future on the property, my business, neighbors and the community.

My property included in reconstruction plan is located in the historic area of town dating back to 1809, where the first railroads brought coal to the buggy, blacksmith and service yard located on the property and where the whole town of South Berwick relied on their coal deliveries at the time. Still located on the bend in the road on the northerly side when traveling to Berwick and abutting the south Berwick water district. It is a building maintained as a single family dwelling

## Maine D.O.T. Reconstruction Route 236 Berwick Road

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where I have operated my business, since 1989 under a conditional use permit, issued by the town of South Berwick and recorded retailer by State of Maine taxing authorities.

Over time the surrounding communities have experienced unrestrained housing construction, developing areas with no regard for the impact the additional traffic would have on neighboring South Berwick, Rural Route 236 and my property.

Over the years with increased traffic flow and repaving maintenance by the Maine D.O.T. the traffic volume and speed has increased dramatically despite the 25 MPH speed zone restriction. As a result of roadway improvements there has been a unilateral increase in traffic accidents, some with serious injuries, multiple fatalities and I have experienced serious property damages. Police and fire department logs will show multiple incidents at 86 Berwick road, resulting from speed and drinking related accidents occurring at the sharp bend in the road to the road frontage of my property. I personally have had multiple insurance claims for damages to this private property even many incidents have gone unreported. On last occasion the State of Maine D.O.T. unwilling to cooperate with safety concerns allowed me at my expense to install yellow chevron signage 4 feet from the white line on my property, this worked to force traffic back onto the roadway. Currently my property extends to the white line on the road surface, it used to be grass beyond but maintenance crews stretched road resurfacings.

I spoke to State of Maine D.O.T. traffic officials many times in the past about the danger the curve in the road poses to home owners, pedestrians and of damages suffered a result of dangerous curve. Request for weight limits be enforced on large trucks, weight limit signage, urban compact signs, signs for children at play and no Jake breaks but to no avail. I have often witnessed huge tractor trailers out of control on the curve as is, they would sway and swerve taking up both north and south lanes of the road even at minimal speeds, they would struggle to maneuver and maintain control of their big trucks around the sharp bend in front of my property and with no visibility of what was up ahead for the building obstruction at the end of Tibbett street prevented a clear view; very often coming within feet of the multi family dwelling and even tipped up on side where the inside wheels have completely left the pavement. I stand right there in front witness to speeding traffic with no regard for the community, people or property in all seasons. Maine traffic engineers claimed the issue is an enforcement problem, I do not agree; developing communities need to provide a comprehensive plan for commuters without having negative impact on nearby townships via its rural routes, the State of Maine is wasting energy and resources forcing established townships to accept the states unaddressed growth and associated traffic problems. Eventually after several years of requesting, Maine traffic engineers finally put up 3 additional posted speed limit signs north and south within the 0.29 mile corridor. But traffic rules are ignored by transient commuter travelers and big trucks. Therefore unless you can police their actions the dangers of the curve become more intense and traffic volume continues to increases.

I have spoken with the South Berwick Police department but it has too few resources to tie up one cruiser and officer when duties are many, making it impossible to enforce speed laws along this corridor, confirmed the most dangerous curve in South Berwick. According to Police Chief Dana Lajoy, the average speed cars are stopped is 37 MPH and many exceeding 40 MPH and also confirms there have been multiple accidents and fatalities. I have seen cars and trucks going

## Maine D.O.T. Reconstruction Route 236 Berwick Road

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even faster than that stated, with tires screeching and barely having enough time to stop having no fore-view around the curve of traffic stopped for the train crossing, and how cars, trucks and motorcycles race to the end of the roadway where pedestrians leap for their life into a ditch and where children playing in the small areas abutting the other side of the road that huge tractor trailers tires speed by within feet where they play. There is no possible way for any vehicle to stop in this section of the road if they ever had to; there is no margin of safety due to the obstruction in the curve and speeding traffic. In my view the reconstruction plans presented by the Maine D.O.T. in its scheduled project #STP1785(200)X to begin in a few weeks do not address these specific issues that I feel are critical in the future for the town of South Berwick and its consequences if ignored.

[Maine D.O.T. Plan of reconstruction]

Now here comes the State of Maine, Department of Transportation, with its plan of reconstruction for Rural route 236 in South Berwick Specifically Project I.D. #017852.00. See various copies of plan attached.

The following is a list of contacts I have met with to date about the project:

- Mr. Ernie Martin, Project Manager II, Highway Program 207-624-3000
- Mr. Michael M. Barden, Project Designer, Urban Arterial Highway 207-624-3376
- Ms. Sara K. LeBlanc, Assistant engineer, Highway Development 207-624-3481
- Mr. Luther V. Yonce, Jr. Senior Property Officer, Highway Program 207-592-1041
- Mr. Kent P. Cooper, Senior Landscape Architect, Highway Program 207-624-3085
- Ms. Melodie Bowden, R/W Appraiser I, Highway Program 207-215-9013

On June 29, 2011 I attended a public meeting for the express purpose of meeting Maine Department of Transportation representatives: Construction engineer Mr. Michael M. Barden and Project manager Mr. Ernie Martin. A meeting duly scheduled with town officials in attendance and records recorded and minutes transcribed, with comments from the public at large. A large turnout was present and nearly all the abutting residents were in attendance and listened to the D.O.T. proposal for reconstruction.

Following the presentation the floor was open to public comment and discussion. These are some of the things I mentioned and received support from other residents. Other residents voiced many concerns that the project was ill conceived.

- 1) I expressed concern of the road construction project that it is without apparent regard to address current safety issues and does not address increases in traffic volume, speed or heavy trucking.
- 2) I pointed out this roadway is an established historic in-town location, with homes tightly compacted, with children and an extension of an improved Highway Program to join the highway system with its 45 MPH speed limit to Berwick would be detrimental to the neighborhood.
- 3) I mentioned there are families, with children who live on the street which is already becoming too filled with transient commuter's traffic speeding through the corridor at

## Maine D.O.T. Reconstruction Route 236 Berwick Road

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high speeds and any further development would only increase the risk of danger for residents.

- 4) That any plan should include safeguards which build traffic control measures forcing the traffic to travel the speed limit in the absence of law enforcement, including straightening the road for unobstructed view.
- 5) That the roadway speed limit as is at 25 MPH and according to Police is unenforceable due to limited resources. More attention to traffic suppression needs to be built into the design. In response the State claimed that was not there concern, they were building the roadway for 35 MPH according to Highway standards, then withdrew 35 MPH statement and stated were not concerned with enforcement.
- 6) I stated I believe more attention needs to be given to the needs of the community.
- 7) Upon review of the drawing posted for inspection with Mr. Barden project designer, the design ran out of legal right of way for the D.O.T. and onto my property and this concerned me a great deal, as it moved the roadway closer to the house which is already overcome by noise, head lights, smoke and dangerous high speeding vehicles.
- 8) I mentioned I have had numerous vehicles run off the road causing personal property damage, which included several police reports logged and insurance company claims and moving the road closer or extending paved surfaces beyond their current limitation will increase the risk of serious damage or personal injury.

At the request of Mr. Barden, project designer I put my concerns in a letter to him dated June 30 2011. Along with pictures of 86 Berwick Road frontage, requesting the contents of the new roadway with swales and curb is kept inside the existing right of way. See attached reference...

On April 5, 2012 came the final public meeting by the Maine Department of Transportation to present its changes before final plan approval. At this time I did not attend this meeting on Good Friday but instead had a personal scheduled meeting on location 86 Berwick Road. With Project Manager Ernie Martin, Assistant engineer Sara LeBlanc and Property Officer Luther Yonce.

In this 3/4 hour long meeting we reviewed plan changes, discussed parameters of construction responsibility to abutting property owners, some open discussion items of previous meeting, design changes, scope of completed road safety and impact on my property. Therefore I felt it was not necessary to attend the final public meeting at town hall that same evening, believing they had clearly understood my position.

Safety was the main concern. Living on this location for 22 years I believed the removal of the building on the corner of Tibbett Street and Berwick Road would greatly enhance road safety and keep the road in the right of way. Police Chief Dana Lajoy agreed conclusively with me and also offered the building was not in a safe location and an obvious obstruction of safe view for traffic approaching from both directions. It would be prudent if the building were removed and a retaining wall installed on the adjacent property which would then allow for greater visibility for traffic in both directions, thereby making the road safer, as planned it will be no better and maybe worse. In particular there is a possibility after constructions trucks will flip over due to curbing on the sharp bend, it is not a road built for pedestrians, and the traffic speed will increase. Each Maine Department of Transportation Representatives recognized this distinction in safety and agreed it would be a better course to pursue and there would be no reason to pay for

## Maine D.O.T. Reconstruction Route 236 Berwick Road

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condemnation of my property, but there was no provision made for the cost of the building and the town had not provided any input or request for road improvements, therefore the roadway was being is set to meet highway project standards for the existing underlying scheme.

I was told by my insurance company at the time of last claim for property damages, damages which have already yield approximately \$15,000.00 “if there is one more claim they will cancel my policy” and then they increased my deductible from \$500.00 to \$1,000.00 and raised my rates. As of to date I have not asked the town for reimbursement in damage claims deductibles’ and hope the town will take this opportunity to protect its residents and business owners as myself, by considering to straighten the bend in the road as much as possible and not allow just the opposite in exaggerating it more. I am very concerned as the claims for insurance policy is attached to my business insurance and I cannot afford to lose my business insurance policy, which could result from additional property damage in the future. There must be a thoughtful approach by the town as it weighs the consequences determining its liability and safety issues for all concerned verses a cheap fix for the town to a major construction project. Including funds to little that according to Ernie Martin, Project manager, were rejected by the neighboring town of Berwick and maybe South Berwick should consider waiting until the right amount is available.

[Close and request]

I believe this board can make a difference in the outcome of the planned project, to preserve this historic section of the community, insisting this roadway be built having the safest possible design before hand, and also providing for future integrity of the neighborhood, its, residents, business and travelers.

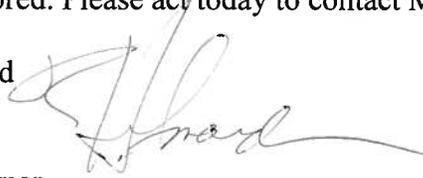
I request this board of South Berwick Selectmen to:

- 1) Contact the State of Maine Department of Transportation with a postponement of project until the town has had the opportunity to review the information presented here and make request for plan changes to straighten out the bend in the road.
- 2) Hire the services of a nationally recognized road construction safety expert engineer to review the plan and make recommendations.
- 3) To hold funds for project pending the outcome of expert consultation, review and plan change.
- 4) To provide the additional funds to straighten out the bend in the road if required.
- 5) To cause for the town to have an impact study for commuter traffic and its effect on small communities, in particular the contrast to Berwick Road and what other towns are doing to offset its effects, and to include this study in the final review before giving the Maine D.O.T. a final design change, increasing funds for changes or the OK to proceed.

Safety of the neighborhood should take priority over cost of this project and I believe straightening out or reducing the bend at this point in the road will be a step in the right direction and should not be ignored. Please act today to contact Maine D.O.T. and place a hold on project.

Respectfully Submitted

Rudolph Holmänder  
Resident/Business Owner





STATE OF MAINE  
 DEPARTMENT OF TRANSPORTATION  
 16 STATE HOUSE STATION  
 AUGUSTA, MAINE 04333-0016

Paul R. LePage  
 GOVERNOR

David Bernhardt  
 COMMISSIONER

Rudolph A. Holmander  
 86 Berwick Road  
 South Berwick, ME 03908

Re:

PIN :	017852.00
PROJECT :	STP-1785(200)X
TOWN :	South Berwick
PARCEL NO. :	15

Dear Property Owner:

Today, as the Department's representative, I have explained to you the proposed construction and the effect it will have on your property. I have attempted to answer any questions you had. I have also explained the methods used in preparing our appraisal and the basis for our determination of just compensation for the land and rights to be acquired. I have made you an offer in the amount of \$4,800.00 which represents the just compensation as determined by a qualified appraiser and approved by one of the Department's review appraisers.

The land and/or rights to be acquired from you for this project are as follows:

Valuation Type	Count	Area	Unit
Fee Acquisition	1	444.00	Sq. Feet
Temp. Const. Rights	1	697.00	Sq. Feet
Stone Wall	1	10.00	Sq. Feet
Paved Drive	1	70.00	Sq. Feet
Bush/Shrub	11	0.00	Unit

The following is a statement by the Department of Transportation regarding the parcel or parcels of land above referenced:

- A. The highest and best use of the property at the date of taking.  
 Commercial/Residential
- B. The fair market value of the real property taken as of the date of taking.  
 \$4,800.00
- C. Offering price.  
 \$4,800.00

Form AQ-2  
 Revised 09/30/2010



PRINTED ON RECYCLED PAPER

I have explained your recourse if the State's offer is not acceptable. The booklet "A Land Owner's Guide to the Property Acquisition Process" confirms the procedures available to you. If a copy of this booklet has not previously been given to you, please request one. I have also explained that the property owner or designated representative is responsible for informing any potential purchaser of the impending acquisition of land and/or rights as required by Title 23, M.R.S.A. Section 153-3(4).

A great deal of time has been spent in the effort to design an attractive, safe highway; also to design it in the manner that will cause the least damage to adjoining property; and finally to determine by properly made and carefully reviewed appraisals the just compensation due to the owners. I hope that we have accomplished our objective.

Please be advised that if you have a mortgage, the mortgage company holds a recorded interest in your property. Under Maine law, your mortgage company may receive a copy of the condemnation documents and may be named on your just compensation check. If your mortgage company is named on your compensation check, your lender must endorse the check before you can cash it. Your mortgage document quite likely contains a provision that addresses eminent domain takings. If your lender is named on your check, you should review this language in your mortgage carefully and deal with your lender directly. The holders of tax liens or other recorded encumbrances on your property may also appear on your check. Again, their endorsement will be required and you will need to deal with them directly.

**PROPERTY MARKERS:** Action taken by the 115th Maine Legislature has revised Maine's landmark location law (14 M.R.S.A., Sec. 7554-A). Please be sure to inform me if your property markers do not appear on our plans. The Department does not set property pins, but will re-establish the point of former location of a disrupted pin on request from the owner.

Under certain conditions MaineDOT can reimburse eligible property owners for reasonable cost associated with resetting a property pin on the new right of way line by a Licensed Professional Land Surveyor. If necessary, I will explain the eligibility criteria and application process.

Sincerely,  


Melodie Bowden  
MaineDOT

**STATE OF MAINE**  
**DEPARTMENT OF TRANSPORTATION**  
Owner's Offer-Assent

**Property Owner(s):**  
**Rudolph A. Holmander**

PIN:	<u>017852.00</u>
Project No:	<u>STP-1785(200)X</u>
Town:	<u>South Berwick</u>
Parcel/Item No:	<u>15</u>

**BACKGROUND:**

1. It has been determined that public exigency requires the construction or reconstruction by altering, widening, changing the grade of and/or changing the drainage of a portion of State Highway "**Route 236**" in the Town of **South Berwick**, County of **York** and State of Maine through a Maine Department of Transportation (the "MaineDOT") project identified by the PIN and Project Number referenced above (the "Project").
2. In connection with the Project, the necessary real property rights (the "Property Rights") to be acquired have been assigned value, surveyed, and identified on a plan known as Right of Way Map, State Highway "**Route 236**", Project No. **STP-1785(200)X**, on file in the Augusta headquarters of MaineDOT, File No.**3-585 JUN 2012**.
3. The Property Rights in and to a certain parcel of land identified on the Right of Way Map as Parcel No. **15**, owned by the above identified Property Owner(s) (the "Property Owner(s)") in said **South Berwick**, are required for construction of the Project.
4. MaineDOT intends to acquire the Property Rights by filing a Notice of Layout and Taking (the "Taking") in the **York** County Registry of Deed on or about **09/18/2012**. At MaineDOT's discretion, and with the Property Owner(s)' consent, the Property Rights may be transferred through the execution of a deed or other transactional instrument.
5. MaineDOT has determined just compensation for acquisition of the Property Rights to be **\$4,800.00** (the "Payment"), and this amount will be paid to the Property Owner(s) upon filing of the Taking.

6. The Property Owner(s) does/do hereby acknowledge that **Melodie Bowden**, Right of Way Agent representing the MaineDOT, met with or wrote to the Property Owner(s) and explained the Property Rights to be acquired, the just compensation Payment, and all construction impacts, changes of location, grade, drainage and slopes as they apply to the Property Owner(s)' land.

**AGREEMENT**

1. The Property owner(s) accept the Payment as just compensation for all Property Rights taken in connection with the Project.

2. The Property Owner(s) release Maine DOT from any further claims of just compensation arising from the Property Rights taken in connection with the Project; however, if any changes in design or construction occur after the date of this settlement and negatively impact the Property Owner's land in an unanticipated manner, the Property Owner(s) shall have the right to request that this settlement be rescinded.

In witness of the above, the parties have executed this Agreement on the date herein indicated.

Dated: \_\_\_\_\_

Property Owner(s):

\_\_\_\_\_  
\_\_\_\_\_

**PIN: 017852.00**  
**Parcel #: 15**  
R/W Form No. N-26  
Form AQ-15  
Revised 03/07/2011



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

<b>Meeting Date: August 28, 2012</b>	<b>Item # NB 1</b>
<b>Agenda Item: Action on Mr. Holmander's request</b>	
<b>Town Manager's Recommendation</b>	
This item is added to the agenda as a placeholder in the event the Council decides to take action on Mr. Holmander's request.	
<b>Requested Action</b>	
<b>Vote</b>	