

**South Berwick Town Council  
South Berwick Planning Board  
Public Hearing  
Zoning Ordinance  
November 26, 2013**

Council Vice-Chairman David H. Webster opened the hearing at 6:32pm. Councilors present included Jean Demetracopoulos and John C. Kareckas. Town Manager Perry A. Ellsworth was also in attendance. Gerald W. MacPherson, Sr. and Russell Abell were not present.

The purpose of the hearing was to receive public comment on the proposed amendments to sections 140-26 and Table A of the Zoning Ordinance. The proposed changes would not allow for the Official Business Directory Signs in the downtown area.

No public comments were received.

The hearing was closed at 6:33pm.

Attest:

Barbara Bennett, CCM

DRAFT



## **South Berwick Town Council November 26, 2013**

Vice Chairman David H. Webster called the meeting to order at 6:45m. Councilors present included Jean Demetracopoulos, John C. Kareckas, and Russell H. Abell. Town Manager Perry Ellsworth was also in attendance. Gerald W. MacPherson, Sr. was not present.

### **Approval of Minutes**

1. Council 11-12-13: On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.

### **Treasurer's Warrant – Nov 12, 2013**

On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to sign the warrant in the amount of \$142,184.01.

### **Public Comment**

1. Jonathan Zoba, Pond Rd, asked if the 3<sup>rd</sup> floor auditorium is available for public use. Mr. Ellsworth stated that it is and arrangements can be made with Bridge Pote.

### **Reports & Correspondence**

1. Mr. Ellsworth read a letter from the MDOT regarding the work at the intersection of Route 236 and Vine Street. The State is trying to obtain information and concerns regarding any historic properties that may be affected.

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

-The shared Code Enforcement Officer contract is up in January. Berwick is currently reviewing the new proposed contract. There is an increase in the hourly rate charged to Berwick to cover benefits.

-The Professional Union has decertified. Arbitration should begin shortly for the Public Works Union.

-We have received a draft of the audit. Employees have done a great job on keeping expenditures down; and will be returning about \$200,000 in unspent monies to the Undesignated Fund. The Fund balance will be approximately \$2.5 million.

-The new General Assistance Administrator is working out well. Close to 50 holiday food baskets have been distributed in the last couple of days.

-Commended Fern Houliares (Deputy Treasurer) for getting a head start on preparing for the upcoming budget season.

-The Senior Center will be closed the rest of the week for the Thanksgiving Holiday. The Town Hall will be closed on Thursday and Friday.

-Asked the Council to consider holding a meeting on December 17<sup>th</sup> to go over his performance review. Consensus of the Council was to meet in executive session on December 3<sup>rd</sup> at 6:30pm.

### **New Business**

1. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to amend section 140-26 Zoning Ordinance prohibiting Official Business Directional Signs from the downtown area **after correcting several typo's** in the presented draft.

On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos it was unanimously voted to amend Table A of the Zoning Ordinance (incorporating the changes from 140-26) and include the new official business directional sign map.

2. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to hold a public hearing on Tuesday, December 10, 2013 at 6:30pm to receive comment on the application for a new liquor license for Rob Miller of On the Block Bistro.

3. No action taken. [The Tax Payment Application Policy was adopted and codified in January 2004. The Policy requires that any property tax payments received are applied to the oldest outstanding taxes first.]

4. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to approve the use of the Workfare Program, consistent with State law, for General Assistance.

5. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to reallocate the \$250 expenditure (from the Historic District budget) for use toward promotional items for the Bicentennial instead of a sign.

### **Council Member Comments**

1. Mrs. Demetracopoulos:

-Commented on the training that Firefighters go through; and is thankful for their willingness to spend their time training, even on weekends.

-Commented that the new FEMA maps are in and should be reviewed. She added that she did not believe any ordinance changes would be necessary.

2. Mr. Kareckas:

-Attended that Rally for the Balcony fundraiser at the Library. He added that they are getting close to their fundraising goal.

-Commented that he would be attending the double Eagle Scout ceremony on November 30<sup>th</sup>. He asked for Council consensus to recognize the Scouts for their achievements.

3. Mr. Abell:

-Thanked his father-in-law **for attending the tonight's meeting.**

-Commented that he will also be attending the Eagle Scout ceremony.

4. Mr. Webster:

-Asked the Manager to have a tree at 91 Hooper Sands Road checked. The Manager stated that there are a number of trees at different locations that may need to come down.

-Clarified that sand for residents will be available at the Food Pantry parking lot. Sand may also be available at the Town Garage (when open).

-Made note of the Bicentennial Party at the Library in February.

Mr. Ellsworth made note that the Community Chorus would be performing on Sunday, December 8<sup>th</sup> at Marshwood High School.

### **Adjournment**

On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 7:27pm.

Attested:

Barbara Bennett, CCM

**South Berwick Town Council  
Special Meeting  
December 3, 2013**

The following was reported to the Clerk:

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

**New Business**

1. On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to enter executive session at 6:31pm pursuant to 1 MRSA §405.6A to discuss the Manager's performance evaluation.

On a motion by Mr. Webster, seconded by Mr. Abell, it was unanimously voted to end the executive session at 8:32pm.

**Adjournment**

On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 8:33pm.

Attested

Barbara Bennett, CCM



TOWN OF SO. BERWICK  
CHECK REGISTER

| Check Number | -----Account-----                       | Date Paid  | Amount     |
|--------------|---|------------|------------|
| 00032258     | 040130 BOB DEARBORN                     | 12/10/2013 | -40.00     |
| 00033850     | 209999 TAX REFUNDS                      | 12/10/2013 | 1,573.82   |
| 00033851     | 189999 REFUNDS                          | 12/10/2013 | 106.00     |
| 00033852     | 189999 REFUNDS                          | 12/10/2013 | 106.00     |
| 00033853     | 011250 TREASURER, STATE OF MAINE        | 12/10/2013 | 50.00      |
| 00033854     | 020225 BAKER & TAYLOR                   | 12/10/2013 | 542.07     |
| 00033855     | 231320 GH BERLIN WINDWARD               | 12/10/2013 | 2,764.00   |
| 00033856     | 022850 BUSINESS EQUIPMENT UNLIMITED     | 12/10/2013 | 170.00     |
| 00033857     | 021576 JANETTE BIRCH                    | 12/10/2013 | 25.92      |
| 00033858     | 021668 BLOW BROS                        | 12/10/2013 | 55.95      |
| 00033859     | 022503 SHARON BRASSARD                  | 12/10/2013 | 11.39      |
| 00033860     | 030530 CENTRAL TIRE CO INC              | 12/10/2013 | 2,429.70   |
| 00033861     | 030500 CENTRAL MAINE POWER/CREDIT, COLL | 12/10/2013 | 118.85     |
| 00033862     | 030510 CENTRAL MAINE POWER              | 12/10/2013 | 634.94     |
| 00033863     | 030725 CITIZENS BANK (CHG)              | 12/10/2013 | 461.45     |
| 00033864     | 193300 CITIZENS BANK                    | 12/10/2013 | 99.00      |
| 00033865     | 031425 COLONIAL LIFE & ACCIDENT INS.    | 12/10/2013 | 1,161.21   |
| 00033866     | 031500 COMMUNITY MUTUAL AID             | 12/10/2013 | 1,000.00   |
| 00033867     | 031579 CONSTELLATION NEW ENERGY         | 12/10/2013 | 1,449.41   |
| 00033868     | 141384 CRITICAL ALERT SYS               | 12/10/2013 | 24.16      |
| 00033869     | 040530 DEDE DIONNE                      | 12/10/2013 | 47.94      |
| 00033870     | 050214 KEVIN EASTMAN                    | 12/10/2013 | 1,470.00   |
| 00033871     | 050815 EMPLOYEE HEALTH & BENEFITS       | 12/10/2013 | 568.83     |
| 00033872     | 050995 EVERGREEN LANDSCAPING            | 12/10/2013 | 400.00     |
| 00033873     | 141000 FAIRPOINT COMMUNICATIONS         | 12/10/2013 | 1,308.24   |
| 00033875     | 070200 P GAGNON & SON INC               | 12/10/2013 | 3,794.08   |
| 00033876     | 070230 PAUL GALVIN                      | 12/10/2013 | 48.00      |
| 00033877     | 071090 GREAT WORKS REGIONAL LND TRUST   | 12/10/2013 | 100.00     |
| 00033878     | 071180 GROUP DYNAMIC INC                | 12/10/2013 | 137.50     |
| 00033879     | 073100 GWI                              | 12/10/2013 | 9.95       |
| 00033880     | 191330 HANNAFORD'S                      | 12/10/2013 | 118.46     |
| 00033881     | 080248 HANSCOM'S TRUCK STOP INC         | 12/10/2013 | 9,881.90   |
| 00033882     | 081305 HARRISON SHRADER ENTERPRISES     | 12/10/2013 | 44.32      |
| 00033883     | 080998 HOME DEPOT                       | 12/10/2013 | 34.43      |
| 00033884     | 081394 HUSSEY EXCAVATION INC            | 12/10/2013 | 200.00     |
| 00033885     | 090120 INLAND FISHERIES & WILDLIFE      | 12/10/2013 | 195.00     |
| 00033886     | 090330 INTERNATIONAL CODE COUNCIL       | 12/10/2013 | 125.00     |
| 00033887     | 090138 INVOICE CLOUD                    | 12/10/2013 | 50.00      |
| 00033888     | 120350 NORMAND LAUZE                    | 12/10/2013 | 775.00     |
| 00033889     | 120510 LAWSON PRODUCTS INC.             | 12/10/2013 | 510.25     |
| 00033890     | 120825 LEWISTON POLICE DEPT             | 12/10/2013 | 285.00     |
| 00033891     | 132247 MAINE LABOR RELATIONS BOARD      | 12/10/2013 | 572.34     |
| 00033892     | 132400 MAINE SAD #35                    | 12/10/2013 | 587,064.17 |
| 00033893     | 132200 MAINE FIRE CHIEFS ASSOC.         | 12/10/2013 | 86.00      |
| 00033894     | 134450 MMTCTA                           | 12/10/2013 | 100.00     |
| 00033895     | 127000 CORRINE J MAHONY                 | 12/10/2013 | 1,440.00   |
| 00033896     | 140105 NAPA OF SOMERSWORTH              | 12/10/2013 | 194.60     |
| 00033897     | 140600 NEPTUNE INC                      | 12/10/2013 | 12.50      |
| 00033898     | 160230 PERMA-LINE CORP                  | 12/10/2013 | 56.60      |
| 00033899     | 160275 PHOENIX MANAGEMENT               | 12/10/2013 | 645.00     |
| 00033900     | 200700 PIKE INDUSTRIES INC              | 12/10/2013 | 595.00     |
| 00033901     | 160320 PINE TREE WASTE INC              | 12/10/2013 | 1,994.45   |
| 00033902     | 160900 PORTLAND NORTH TRUCK CENTER      | 12/10/2013 | 378.39     |
| 00033903     | 160927 INTERLIBRARY LOAN                | 12/10/2013 | 40.00      |
| 00033904     | 180433 DAN REMICK                       | 12/10/2013 | 389.23     |
| 00033905     | 190094 SANEL AUTO PARTS CO              | 12/10/2013 | 1,904.35   |



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

|   |              |
|---|--------------|
| <b>Meeting Date: December 10, 2013</b>  | <b>UB #1</b> |
| <b>Agenda Item: Storage Agreement with Community Chorus</b>   |              |
| <b>Department Head:</b>   |              |
|   |              |
| <b>Town Manager's Recommendation</b>  |              |
|   |              |
| <b>Requested Action</b>   |              |
| Motion and vote to authorize Town Manager to sign agreement with Community Chorus for storage space at the Library. |              |
| <b>Vote</b>   |              |



***Agreement between***  
***Town of South Berwick, Maine***  
***and***  
***Community Chorus at South Berwick***

***for***

***Use of Space in Basement of South Berwick Library to  
Store CCSB's Sheet Music***

**December, 2013**

***Whereas:***

- The Town of South Berwick (Town) has recently renovated the basement of its new library on Young Street;
- There is under-utilized space in that basement; and use of basement for storage of CCSB's sheet music library is a reasonable community-use of space that otherwise is not fully utilized;
- Community Chorus at South Berwick (CCSB) is a regional chorus based in South Berwick with 60 singers from throughout Seacoast ME and NH, and has been active in South Berwick for over 35 years;
- CCSB is a 501c3 non-profit organization; registered with the State of Maine;
- CCSB has a music "library" of over 12 years of sheet music that is currently stored in over 30 bankers boxes in a private home, and CCSB needs alternative storage;
- CCSB maintains liability insurance and agrees to indemnify the Town of South Berwick as provided in item 8. below;

***The Parties agree as follows:***

1. The Town allows CCSB to use space in the basement of the South Berwick Public Library for storage of CCSB's music library. CCSB and Town will agree on a suitable location for approximately twelve (12) feet of floor space along a wall for this purpose.
2. CCSB will provide and place shelving that is designed and manufactured for storage of bankers boxes and that is acceptable to the Town. Placement of the shelving will be coordinated with the Town and Library staff.
3. The target period of this agreement is three years; and it may be renewed or extended with the concurrence of both parties. However the Town may evaluate the arrangement after one year. The Town may discontinue the agreement at that time or any time thereafter for any reason at the sole judgment of the Town.

4. CCSB will own the music, and must access it several times a year. Such access will be fully coordinated with Town Library staff, and be during normal operating hours of the library.
5. CCSB maintains a full cataloguing of the music by box, and will make a full copy available to the Town Library staff. CCSB will lend music to bona-fide music interests such as schools, churches, and other choruses. The Town may, at its sole choice, facilitate this by making the music listing available to such groups. However, any lending arrangements will be directly between CCSB and the borrowing party.
6. CCSB has and will maintain a general liability insurance policy for its property and activities, and will provide certificates of insurance at the request of the Town.
7. CCSB remains solely responsible for all music, boxes, shelving, or other materials addressed under this agreement.
8. CCSB indemnifies and holds harmless the Town, its employees, elected and appointed officials from any circumstance associated with this agreement including the condition of CCSB's property stored in the Town Library, and any damage to it that may occur for any reason.

**Agreement:**

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Perry Ellsworth for Town of South Berwick  
180 Main Street  
South Berwick, Maine 03908

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Date

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Bill Straub for Community Chorus at South Berwick  
PO Box 564  
South Berwick, Maine 03908

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Date

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

|   |              |
|---|--------------|
| <b>Meeting Date: December 10, 2013</b>  | <b>UB #2</b> |
| <b>Agenda Item: Purchase and Sale Agreement with Great Works Regional Land Trust</b>  |              |
| <b>Department Head:</b>   |              |
|   |              |
| <b>Town Manager's Recommendation</b>  |              |
| The GWRLT has asked for an extension under #3. <b>Closing</b> to extend the agreement closing date to January 15, 2014 (one month). I recommend that we do this to insure the sale accuracy |              |
| <b>Requested Action; Motion to extend the land Purchase and Sale Agreement under #3 "Closing" until January 15, 2014</b>  |              |
|   |              |
| <b>Vote</b>   |              |



## Perry Ellsworth

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**From:** Keith Fletcher <KFletcher@MCHT.org>  
**Sent:** Tuesday, December 03, 2013 1:43 PM  
**To:** Perry Ellsworth  
**Subject:** RE: Parent Survey

Perry, the survey is running behind. Supposedly the crew was out yesterday marking lines and setting pins. I plan to verify their work tomorrow. I expect a draft plan this week.

The title abstractor is having a real rough time of it and is also needing the survey.

Dec 15 may still be possible. But is a one month extension possible? I think the funder and the title abstractor would appreciate it. If it is not possible then we'll push it through somehow.

Thank you.

Best,

--Keith

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**From:** Perry Ellsworth [<mailto:pellsworth@sbmaine.us>]  
**Sent:** Tuesday, December 03, 2013 1:22 PM  
**To:** Keith Fletcher  
**Subject:** RE: Parent Survey

Keith,  
Any updates on the P&S

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**From:** Keith Fletcher [<mailto:KFletcher@MCHT.org>]  
**Sent:** Tuesday, June 25, 2013 8:26 PM  
**To:** Perry Ellsworth  
**Subject:** RE: Parent Survey

GWRLT did vote to enter into a contract with the town at \$500 per acre for the land that is already surveyed out, the twenty acres next to the dragonfly wetland. How do we bring this forward?

--Keith

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**From:** Perry Ellsworth [<mailto:pellsworth@sbmaine.us>]  
**Sent:** Tuesday, June 25, 2013 4:18 PM  
**To:** Keith Fletcher  
**Subject:** RE: Parent Survey

Any new update on plans to purchase land?

Perry

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**From:** Keith Fletcher [<mailto:KFletcher@MCHT.org>]  
**Sent:** Monday, May 13, 2013 8:43 PM

# Purchase and Sale Agreement

**THIS AGREEMENT** is made by and between **Great Works Regional Land Trust**, a duly organized non-profit conservation trust with a mailing address of Post Office Box 151, South Berwick, Maine, hereinafter called the **Buyer**, and the **Town of South Berwick**, a Maine municipality with a mailing address of 180 Main Street, South Berwick, Maine, hereinafter called the **Seller**, effective as of the date written above the Seller's signature.

COPY

In consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

1. **Real Estate:** The Seller agrees to sell and the Buyer agrees to purchase from the Seller for the price and upon the terms and conditions hereafter stated three parcels of land off of, but not adjacent to, York Woods Road in South Berwick, Maine, shown on municipal assessor's plans as **Map 2 Lot 37, Map 2 Lot 39, and Map 2 Lot 39A**, hereinafter referred to as the Premises; together with all rights, easements, rights of way, and other appurtenances thereto.

Seller acquired the Premises by foreclosing on municipal tax lien certificates. Map 2, Lot 37 was assessed to Roberta C. Hatch and Laurie L. Davidson. Map 2, Lot 39A and Lot 39 were assessed to owner unknown, a/k/a John Doe. See York County Registry of Deeds Book 7447, Page 130, Book 7879, Page 57, for Map 2, Lot 37. See York County Registry of Deeds, Book 6665, Page 247 and Book 6146, Page 191 for Map 2, Lot 39A and Book 6665, Page 246 for Map 2 Lot 39.

2. **Purchase Price:** The Buyer agrees to pay to the Seller as the total purchase price the sum of \$500.00 per acre. The acreage will be determined by a licensed professional land surveyor. The purchase price will be paid as follows:

(A) **\$500** to be paid at the time this contract is signed, said sum hereinafter referred to as the Deposit, delivered to Seller.

(B) The balance of the purchase price, based upon the total acreage shall be delivered by Certified or Cashier's check at closing.

3. **Closing:** This transaction shall be closed no later than December 15, 2013 at the Buyer's attorney's office, at a time and date to be agreed upon by Seller and Buyer. Seller will cooperate with the Buyer in executing the standard closing and title insurance affidavits and documents.

**Report of the South Berwick Building Committee**  
**Police Station Space and Location Assessment**  
**South Berwick Police Department and Emergency Services Dispatch Department**

November 2013

Building Committee Members:

- Thomas Harmon, Chair
- Bradford Christo
- Mark Gagnon
- David Stansfield
- Fred Wildnauer

The Town Manager, Public Works Director, Police Chief, and Police Lieutenant were staff resources to the Committee.

On April 9, 2013, the South Berwick Town Council charged the Building Committee with the following tasks:

“Review needs of the Police / Dispatch Department

- Assess present situation and define present and future space needs for policing services
- Assess available space and town owned properties for “best fit” for the future needs of policing services
- If “best fit” displaces space presently in use provide replacement plan for activities displaced.”

The Committee met over the spring and summer of 2013, toured and viewed the existing conditions of the current Police Station, reviewed National facility planning reports and reports from other towns, and discussed needs with South Berwick Police Staff. The results of these discussions are distilled into this report.

The Committee concluded the present Police Station is inadequate for the Police and Dispatch Department in terms of size, safety, and functionality. Renovating the present Town Hall location to meet the Police Station needs for the next thirty years would not be cost-effective. The Committee recommends that a Station be constructed at another location.

The following narrative is presented in the same format bullets as the charge listed above.

**Assess present situation and define present and future space needs for policing services.**

The Police Station is located in the basement of Town Hall at 180 Main Street. The last major renovation was completed in the early nineties. Since then the Police Department has accomplished several minor renovations to improve the operational efficiency of the Station.

The Station occupies the northerly half of the basement, an area of approximately 3350 gross square feet. Net area usable for police and dispatch functions is approximately 2300 square feet. Eight parking spaces are reserved for Police in the parking lot adjacent to the Station. Two additional spaces are occupied by a dog kennel and an ATV trailer. Police staff share common spaces in the Town Hall parking lot. A total of sixteen spaces or 4800 square feet of exterior space is commonly used by the Police Department.

Noted deficiencies of the Station include overcrowding, lack of separation /security between staff and arrestees, no holding cells, no ground-level access, and a general lack of private areas for crisis management and interviews.

To assess future needs, the Committee reviewed the following documents:

1. International Association of Chief of Police (IACP) document entitled: Police Facility Planning Guidelines: A Desk Reference for Law Enforcement Executives
2. Final Report, Sudbury Police Station Blue Ribbon Committee dated 1/27/10 (Sudbury, Massachusetts)
3. Berwick Police Department Outline Program Study by Lassel Architects PA dated 5/2/2006 (Berwick, Maine)

The Committee developed a list of spaces required for the South Berwick Police Station to function efficiently for a thirty year life, including space for a Dispatch Center and an Emergency Operation Center (EOC). Applying required area (square feet) to each of these spaces resulted in the following:

| Item  | Area | Subtotal | Total  |
|---|------|----------|--------|
| Net building space usable for police functions                                | 6800 |          |        |
| Allowance for walls, corridors, mechanical, and electrical closets of 35%     | 2400 |          |        |
| Gross (Total) building space  |      | 9200     |        |
| Exterior space including sally-port (secure, controlled entryway) and parking |      | 11,500   |        |
| Total lot coverage  |      |          | 20,700 |
| Open/green space (equal to lot coverage)                                      |      |          | 20,700 |
| Total lot size required   |      |          | 41,400 |

A site of a minimum of one acre is required.

**Assess available space and town owned properties for “best fit” for the future needs of policing services**

Initially, the committee compiled a list of all Town-owned properties using the tax map database. Properties clearly not suitable due to location were quickly removed from the list. Of the eleven remaining sites, 3 were ruled out due to size, location, or environmental concerns, leaving eight sites under consideration. Three contiguous properties were then combined for the purpose of this analysis leaving six sites for consideration.

Next, the Committee developed seven criteria deemed important for a Police Station site, and ranked each site based on this criteria. The four highest scoring sites are the:

- Community Center
- Town Hall
- “Day” property(s) combined with the Powderhouse Hill property
- Open Fields west of Willow Drive

Discussion of each of these four sites follows:

**Community Center**

The Community Center site was a strong contender. Combining Police, Fire, and Rescue into one Public Safety Building offers obvious benefits in terms of shared space and function. Lot size, vehicular access, and location are strong points for the site. Minuses include lack of visibility, and relocation of the current use. The Committee was very sensitive to the current recreation and senior center uses, which have been in place for over fifteen years.

**Town Hall**

Although the Town Hall scored high in terms of the site attributes, the Committee was in strong agreement that renovating the 1926 building to meet modern building codes for public safety buildings would be cost prohibitive. The Committee was of the opinion, however, that the building in its centralized location could function effectively as a Town Hall for the next thirty years, particularly if the space currently occupied by the Police Station is freed up.

**“Day” property(s) combined with Powderhouse Hill property**

This site is favorable in terms of size, location, visibility, and current use (vacant building and open space). Drawbacks are configuration (some parts of the lot have steep slopes) and vehicle access (narrow lanes around the monument). Consideration should be given to potential expanded recreational uses of this site that could be precluded by a Police Station.

**Open fields west of Willow Drive**

Size, configuration, and current use were considered assets of this site. Vehicle access, location, visibility, and environmental concerns were weaknesses. This is the most residential of the four sites considered.

Note: The Committee had considerable discussion regarding privately owned sites, especially along the Route 236 and Route 4 corridors, both within South Berwick and outside of Town. Much discussion has occurred and is currently taking place regarding regionalization. Sites on these arterial roads lend themselves to regionalization as they provide ready access to multiple towns.

**If “best fit” displaces space presently in use provide replacement plan for activities displaced.**

Two sites require consideration of displacement of the current use: Town Hall and the Community Center.

Town Hall

As previously stated, the Committee believes renovating Town hall is cost-prohibitive. If renovation were to occur to accommodate the Police Department, all or portions of the Town Hall function may need to be relocated. Since the Committee removed this option as a recommendation, no further analysis was considered.

Community Center

The Community Center houses the Fire Station, the Rescue Squad, the Senior Center, and the Recreation office. If the Police Station were moved to this site, the Senior Center and the Recreation office would need a new home. This new home would need to accommodate meals regularly served to one hundred or more people, recreation activities including aerobic activities, crafts, and offices. Community groups such as Rotary also regularly use the facility. A building of approximately 7000 square feet would be required to accommodate the senior’s room, craft room, activities room, dining room, kitchen, restrooms, lobby, and two offices.

The Committee considered two replacement sites as good fits with the existing uses: the “Red Barn” Teen Center at Willow Drive, and the “Day” property(s) on Agamenticus Road. One or both of these sites could strengthen the ties with other recreation activities

Footnote: The Committee considered that code reviews of existing structures and preliminary cost estimates were beyond the scope of the current charge. No code review or cost estimates were developed.

In Addition: Upon further discussion, the Committee recommends commencing funding for a Police Station in the next budget cycle. This will eventually enable the Committee to seek and fund professional services to evaluate in depth the overall costs associated with the new Police Station. The process used for the Library is a model for consideration.

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

|   |              |
|---|--------------|
| <b>Meeting Date: December 10, 2013</b>                                  | <b>NB #2</b> |
| <b>Agenda Item: Liquor License for Rob Miller - On the Block Bistro</b> |              |
| <b>Department Head Recommendation:</b>                                  |              |
| This is a request for a new liquor license.                             |              |
| <b>Town Manager's Recommendation</b>                                    |              |
|   |              |
| <b>Requested Action</b>   |              |
| Motion and vote to approve the liquor license for On the Block Bistro.  |              |
| <b>Vote</b>   |              |

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

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

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

**PRESENT LICENSE EXPIRES** \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

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

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

|  |   |   |  |
|--|---|---|--|
| 1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)<br><i>Robert E Miller</i> DOB: <i>08/03/74</i> |   | 2. Business Name (D/B/A)<br><i>On the Block Bistro</i>    |  |
| DOB:   |   | Location (Street Address)<br><i>12 Portland St.</i>       |  |
| DOB:   |   | City/Town State Zip Code<br><i>South Berwick ME 03909</i> |  |
| Address<br><i>338 Diamond Hill Rd.</i>   |   | Mailing Address   |  |
| City/Town State Zip Code<br><i>Berwick ME 03901</i>  | City/Town State Zip Code                                    |   |  |
| Telephone Number Fax Number  | Business Telephone Number Fax Number<br><i>207 752-2854</i> |   |  |
| Federal I.D. #<br><i>46-4102573</i>  | Seller Certificate #  |   |  |

3. If premises are a hotel, indicate number of rooms available for transient guests: None
4. State amount of gross income from period of last license: ROOMS \$ None FOOD \$ None LIQUOR \$ None
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,if YES

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: Mike Norcross
8. If business is NEW or under new ownership, indicate starting date: N/A  
Requested inspection date: \_\_\_\_\_ Business hours: Sam 7pm
9. Business records are located at: 12 Portland St South Berwick, ME 03909
10. Is/are applicants(s) citizens of the United States? YES  NO

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

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

| Name in Full- (Print Clearly) | DOB     | Place of Birth |
|-------------------------------|---------|----------------|
| Robert Miller                 | 8/3/74  | Dover, NH      |
| Mike Norcross                 | 6/20/86 | Lawrence, Mass |

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
338 Diamond Hill Rd  
Berwick, ME 03901

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

Name: Robert Miller Date of Conviction: May 23, 2011  
Offense: Domestic Violence Location: York County  
Disposition: off probation May 24, 2012

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes  No  If Yes, give name: \_\_\_\_\_

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

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: James Flynn  
169 Main St. South Berwick, ME 03908

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)  
full service lunch & Deli shop serving beer & wine plus sell

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES  NO  Applied for: \_\_\_\_\_ for retail as well.

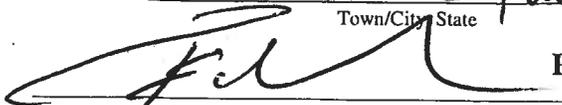
19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? NEAR 800 FT Which of the above is nearest? SCHOOL

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

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

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

Dated at: South Berwick, ME on 11/14/13, 20 13  
Town/City State Date

  
Signature of Applicant or Corporate Officer(s)  
Owner

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE

Dated at: South Berwick, Maine York
On: December 10, 2013

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

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE - SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

- 1. Hearing. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses.
A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau.
2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant.
A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
[1993, c730, §27 (amd).]
3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners.
A. [1993, c.730, §27 (rp).]
4. No license to person who moved to obtain a license. (REPEALED)
5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

**TOWN COUNCIL**

***Agenda Information Sheet***

|  |                          |
|--|--------------------------|
| <b>Meeting Date: December 10, 2013</b>                           | <b>Agenda Item NB #3</b> |
| <b>Subject: Fogarty's Restaurant liquor license</b>              |                          |
|  |                          |
| <b>Information:</b>  |                          |
| Fogarty's current liquor license expires December 25th.          |                          |
| <b>Staff Comments/Recommendation:</b>                            |                          |
| Chief Lajoie has been consulted and has not reported any issues. |                          |
| <b>Requested Action:</b>   |                          |
| Motion to approve the renewal of Fogarty's liquor license.       |                          |
| <b>Vote:</b>   |                          |
|  |                          |

**Department of Public Safety  
Division**

**Liquor Licensing & Inspection**



**BUREAU USE ONLY**

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

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

**PRESENT LICENSE EXPIRES** 12/25/2013

**INDICATE TYPE OF PRIVILEGE:**  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTIONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

|  |  |  |   |   |  |
|--|--|--|---|---|--|
| <b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Harry Fogarty</u> <b>DOB:</b> <u>10/17/60</u> |  |  | <b>2. Business Name (D/B/A)</b><br><u>Fogarty's Restaurant Inc.</u>                     |   |  |
| <b>DOB:</b>  |  |  | <b>Location (Street Address)</b><br><u>471 Main Street</u>                              |   |  |
| <b>DOB:</b>  |  |  | <b>City/Town</b> <u>So. Berwick</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03908</u> |   |  |
| <b>Address</b><br><u>35 Beaver Dam Rd.</u>   |  |  | <b>Mailing Address</b><br><u>Same</u>   |   |  |
| <b>City/Town</b> <u>So. Berwick</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03908</u>  |  |  | <b>City/Town</b> _____ <b>State</b> _____ <b>Zip Code</b> _____                         |   |  |
| <b>Telephone Number</b><br><u>207-384-8361</u>   |  | <b>Fax Number</b><br><u>207-384-2009</u> |   | <b>Business Telephone Number</b><br><u>207-384-8361</u> |  |
| <b>Federal I.D. #</b><br><u>01-0464888</u>   |  | <b>Fax Number</b><br><u>207-384-2009</u> |   |   |  |
|  |  |  | <b>Seller Certificate #</b><br><u>0253565</u>   |   |  |

3. If premises are a hotel, indicate number of rooms available for transient guests: —
4. State amount of gross income from period of last license: ROOMS \$ — FOOD \$ 1.2M. LIQUOR \$ 49,000
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: Linda Brown, Pat Hall, Kate Smith
8. If business is NEW or under new ownership, indicate starting date: —
- Requested inspection date: — Business hours: —
9. Business records are located at: 471 Main Street So. Berwick ME 03908
10. Is/are applicants(s) citizens of the United States? YES  NO

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

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

| Name in Full (Print Clearly)  | DOB      | Place of Birth |
|---|----------|----------------|
| ① Lawrence A Fugarty  | 10/17/60 | DOVER, NH      |
| ② Linda Brown   | 11/21/62 | DOVER, N.H.    |
| ③ PAT HALL <del>AKATE SMITH</del>   | 2/5/56 - | HARTFORD/CT    |
| Residence address on all of the above for previous 5 years (Limit answer to city & state) |          |                |
| ① SO BERWICK, ME ② SO. BERWICK, ME ③ DERWICK, ME ④ SO. BERWICK, ME                        |          |                |

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes  No  If Yes, give name: \_\_\_\_\_

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_  
FULL SERVICE RESTAURANT

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES  NO  Applied for: \_\_\_\_\_

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

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

If YES, give details: KENNEBUNK SAVINGS BANK - MORTGAGE

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

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

Dated at: SO. BERWICK ME on 12/1, 2013  
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

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

STATE OF MAINE  
Liquor Licensing & Inspection Unit  
164 State House Station  
Augusta, Maine 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: FOGARTY'S RESTAURANT INC.

Business D/B/A Name: FOGARTY'S RESTAURANT AND DAIRY

2. Date of Incorporation: 7/

3. State in which you are incorporated: ME

4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
\_\_\_\_\_

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

| Name               | Address Previous 5 Years | Birth Date | % of Stock | Title |
|--------------------|--------------------------|------------|------------|-------|
| Lawrence A Fogarty | So. Berwick, ME          | 10/17/60   | 100        | PRES  |
|                    |                          |            |            |       |
|                    |                          |            |            |       |
|                    |                          |            |            |       |
|                    |                          |            |            |       |

6. What is the amount of authorized stock? 200 Outstanding Stock? —

7. Is any principal officer of the corporation a law enforcement official? ( ) YES (  ) NO

8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES (  ) NO.

9. If yes, please complete the following: Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_

Location: \_\_\_\_\_ Disposition: \_\_\_\_\_

Dated at: So. Berwick, ME On: 12/1/13  
City/Town Date

Lawrence A. Fogarty Date: 12/1/13  
Signature of Duly Authorized Officer

Lawrence A. Fogarty  
Print Name of Duly Authorized Officer

STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS

On: \_\_\_\_\_ (County)

Date

The undersigned being: \_\_\_\_\_ Municipal Officers \_\_\_\_\_ County Commissioners of the \_\_\_\_\_ City \_\_\_\_\_ Town \_\_\_\_\_ Plantation \_\_\_\_\_ Unincorporated Place of: \_\_\_\_\_, Maine

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE - SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

- 1. Hearing. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
[1993, c730, §27 (amd).]
3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
A. [1993, c.730, §27 (rp).]
4. No license to person who moved to obtain a license. (REPEALED)
5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



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

|   |              |
|---|--------------|
| <b>Meeting Date: December 10, 2013</b>  | <b>NB #4</b> |
| <b>Agenda Item: Purchase of Police Cruiser</b>  |              |
| <b>Department Head:</b>   |              |
| <b>The capital plan for 2013-2014 includes the purchase of a new police cruiser. The following bids were solicited:</b><br>Irwin Motors    \$24,325<br>Rowe Ford       \$24,418<br>Augusta Ford    \$24,566 |              |
| <b>Town Manager's Recommendation</b>  |              |
| Authorize the Town Manager to move forward with the purchase of a 2014 Police Interceptor Cruiser from Irwin Motors for \$24,325.   |              |
| <b>Requested Action: Motion to authorized the Town Manager to move forward with the purchase.</b>   |              |
|   |              |
| <b>Vote</b>   |              |



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

|  |              |
|--|--------------|
| <b>Meeting Date: December 10, 2013</b>   | <b>NB #5</b> |
| <b>Agenda Item: Shared Code Enforcement &amp; LPI w/Berwick</b>  |              |
| <b>Department Head:</b>  |              |
|  |              |
| <b>Town Manager's Recommendation</b>   |              |
| Sign agreement as presented.   |              |
| <b>Requested Action</b>  |              |
| Motion and vote to authorize Chairman to sign agreement w/Berwick for shared CEO & LPI services through June 30, 2015. |              |
| <b>Vote</b>  |              |

**AGREEMENT BETWEEN  
THE TOWNS OF SOUTH BERWICK AND BERWICK, MAINE**

**AGREEMENT MADE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 BY AND BETWEEN THE Town of South Berwick, Maine and the Town of Berwick, Maine (the municipalities) acting by their respective Municipal Officers.**

**WITNESSETH**

**WHEREAS, the municipalities wish to share the services of a qualified person to coordinate functions related to Code Enforcement, Building Inspection, and Plumbing Inspector;**

**WHEREAS, the municipalities wish to set forth the terms of their agreement to share the services related to Code Enforcement, Building Inspection, and Plumbing inspection;**

**WHEREAS, the municipalities do not consider the Agreement to fall within the provisions or requirements of 30-A M.R.S.A. 2201. (Interlocal Cooperation)**

**NOW THEREFORE, the municipalities do hereby agree as follows:**

**Section 1. CEO's Schedule.**

**The number of hours allocated to the Town of Berwick weekly shall be minimum of 16 hours with primary hours to be Wednesday and Thursday weekly. The schedule may be changed by agreement of the Town managers. It is also anticipated that there may be instances where the CEO may spend additional time in a given week. The CEO will document time spent in the Town of Berwick on a weekly basis.**

**Section 3. Vehicle Use.**

**The Town of South Berwick agrees to supply a vehicle for Code Enforcement use for the term of this AGREEMENT. The Town of Berwick agrees to reimburse the Town of South Berwick for mileage associated with this AGREEMENT at the published IRS rate( presently .555 cents per mile) for travel associated with local work in the Town of Berwick including mileage to and from the Town of South Berwick.**

**Section 4. Allocation of Office Space and Associated Equipment**

**Each municipality is responsible for providing adequate office space within its municipal offices. Cost associated for the spaces including equipment and supplies are the exclusive responsibility of the respective municipalities**

**Section 5. Reimbursement of Costs:**

The Town of Berwick will promptly reimburse the Town of South Berwick for all inclusive costs as stated in monthly invoices provided by the Town of South Berwick

- A. Forty six dollars and fifty cents (\$46.50) per hour for all hours involving CEO, Building Inspection, and Plumbing Inspection for the Town of Berwick.
- B. IRS published rate for any vehicle mileage associated with the Town of Berwick
- C. A monthly twenty-five (25) dollar administration fee.

**Section 6. Employee of Town of South Berwick**

The CEO, Building Inspector, and Plumbing Inspector shall be an employee of the Town of South Berwick for administrative purposes and shall comply with the provisions contained within the South Berwick personnel policy. If there is a conflict between the South Berwick Personnel Policy and the AGREEMENT, this AGREEMENT shall take precedence. Nothing in this AGREEMENT shall be construed to limit the authority of the Town of Berwick to supervise and direct the actions of the CEO, Building Inspector, and Plumbing Inspector through their Town Manager with respect to any Berwick matter. The Town of South Berwick accepts all responsibilities for IRS reporting.

**Section 7. Duration of this AGREEMENT**

This AGREEMENT shall end on June 30, 2015. The AGREEMENT can be terminated with sixty (60) day notice by either municipality during the term of this AGREEMENT. In the event that both parties wish to continue this AGREEMENT after this period a new agreement will replace this AGREEMENT.

IN WITNESS WHEREOF, the undersigned municipalities have agreed to this AGREEMENT by the placement of the signature of the Selectmen/Council Chair of each respective municipality.

TOWN OF SOUTH BERWICK

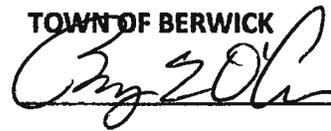
\_\_\_\_\_ Date: \_\_\_\_\_

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

Witness

Chair, Town Council

  
\_\_\_\_\_ Date: 12-3-13  
Witness Patrick Verne, TM

TOWN OF BERWICK  
  
\_\_\_\_\_ Date: 12/3/13  
Chair, Board of Selectmen