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Chapter 60

Building Construction

[HISTORY: Adopted by the Town Council of the Town of South Berwick 7-8-2002; amended in its entirety 11-23-2010. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. **61**.

Floodplain management — See Ch. **77**.

Historic districts — See Ch. **84**.

Planned growth — See Ch. **102**.

Property assessed clean energy — See Ch. **109**.

Shoreland zoning — See Ch. **110**.

Subdivision of land — See Ch. **121**.

Zoning — See Ch. **140**.

§ 60-1 Administration and enforcement of Maine Uniform Building and Energy Code.

Effective December 1, 2010, the Town of South Berwick applies and enforces the Maine Uniform Building and Energy Code ("MUBEC"), as required by 10 M.R.S.A. § 9724. The Code Enforcement Officer of the Town of South Berwick shall serve as the building official as defined in 25 M.R.S.A. § 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of MUBEC, as such components may be revised from time to time by the Technical Building Codes and Standards Board. Administration and enforcement of MUBEC, including permits, violations, penalties and appeals, shall be in accordance with Article **VI** of Chapter **140**, Zoning, of the South Berwick Code.

§ 60-2 (Reserved)

§ 60-3 Additional requirements.

- A. Notwithstanding the exceptions to permit requirements in MUBEC, permits are required for the following in the Town of South Berwick:
- (1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, including those of which the floor area does not exceed 200 square feet (18.58m²);
 - (2) Prefabricated swimming pools, including those that are less than 24 inches (610 mm) deep;
 - (3) Decks, including those that do not exceed 200 square feet (18.58m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door.
- B. Separation required. The garage shall be separated from the residence and its attic area by not less than

5/8 inch (15.9 mm) Type X gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8 inch (15.9 mm) Type X gypsum board or equivalent.

- C. Fee schedule. The permit fee schedule is determined by multiplying the square footage of each floor of each category of structure by the applicable rate, as shown in the table below:

Building Permit Fees

Category	Rate
A. All new residential structures to include homes and additions to living areas	\$0.50
B. All unfinished accessory residential structures including decks, porches, garages, barns, and sheds	\$0.20 <u>\$0.25</u>
C. Swimming pools (must be fenced)	
(1) Aboveground	\$0.20 <u>\$50 (Flat)</u>
(2) In ground	\$0.20 <u>\$200 (Flat)</u>
D. Commercial/retail, per story	\$0.30
E. Institutional	\$0.50
F. Industrial	\$0.50
G. Signs - flat rate	\$25.00 <u>Home Occ or Replacement Signs</u> <u>\$50.00 Exterior</u>
H. Demolition of buildings - flat rate	\$25.00 <u>\$100 (Flat)</u>
I. Special use permit	\$25.00 <u>\$25 Minor Occupation</u> <u>\$50 All Others</u>
J. Minimum permit fee, flat rate	\$25.00
<u>K. Renovation</u>	<u>\$9 per \$1,000 of Construction Costs</u>
<u>L. Decks, Porches</u>	<u>\$0.28SF</u>
<u>Telecommunication Structures</u>	

Building Permit Fees

Category	Rate
<u>M.</u>	<u>\$6.00 per \$1,000 of Construction Costs</u>

(When work has begun prior to issuance of a permit, the above fees shall be doubled.)

Review and Hearing Fees [Amended 11-22-2016]

Category	Rate
A. Zoning Board of Appeals	\$70.00 + cost of notices <u>\$200 + Costs of Notices and Advertising</u>
B. Change of use permit	\$60.00 <u>\$100</u>
C. Subdivision fees	
(1) Planning services	\$1,500.00
(2) Sketch plan	
Minor	\$200.00 <u>\$250 per lot</u>
Major	\$300.00 <u>\$500 per lot</u>
(3) Preliminary plan	\$200.00 <u>\$500</u>
Plus per unit/lot fee	\$200.00
(4) Final plan	\$250.00 <u>per lot</u>
D. Site plan	
(1) Minor	\$200.00 <u>\$500</u>
(2) Major	\$300.00 <u>\$1,000</u>

**South Berwick
Board of Assessors
August 9, 2022**

Chair Mallory Cook called the meeting to order at 6:00pm. Assessors present included John James, John C. Kareckas, Jessica Cyr, and Jeff Minihan. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance. Assessing Agent Verna Sharpe was also present.

1. Ms. Sharpe gave the Council an overview of the various factors used to determine the tax rate; they include the Certified (Assessment) Ratio, growth, proportionality (fairly assessed), and market adjustments on property values. The Certified Ratio is significant because it directly affects the amounts of exemptions we can give and the reimbursements we receive from the State. Ms. Sharpe was clear to state that market adjustments to property values do not add revenue to the Town; they are necessary to maintain the required Certified Ratio as dictated by State law.

Mr. Pellerin went on to explain that our tax rate is determined by not only the municipal budget (at 30.99%), but includes the county (at 2.9%) and the school (at 66.11%). This year the school had initially presented the town with a 1.89% increase. When they presented their final numbers, they had increased by 3.97% (\$153,000 more than we were told).

On a motion by Mr. Kareckas, seconded by Ms. Cyr, it was unanimously voted to set the tax rate for FY 2023 at \$14.54/\$1000 of valuation. [The established tax rate sets the overlay at \$230,245.

On a motion by Mr. James, seconded by Mr. Kareckas, it was unanimously voted to sign the FY 2023 Tax Commitment.

2. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to sign the York County Assessor Return in the amount of \$383,913.62.

On a motion by Mr. Kareckas, seconded by Mr. Minihan, it was unanimously voted to adjourn the meeting at 6:48pm.

Attest:

Barbara Bennett, CCM
Town Clerk

**South Berwick
Town Council Meeting
August 9, 2022**

Chair Mallory Cook called the meeting to order at 6:49pm. Councilors present included John James, John C. Kareckas, Jeff Minihan, and Jessica Cyr. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance.

On a motion by Mrs. Cook, seconded by Mr. Kareckas, it was unanimously voted to take up item #1 under new business first. See below.

On a motion by Mr. Kareckas, seconded by Ms. Cyr, it was voted 4-0 (Mr. James abstained) to reconsider the Council action taken on July 26th regarding the adoption of the Resolution Condemning White Nationalism and Extremist Groups.

Mr. Kareckas had provided the other Councilors an amended version of the Resolution making it broader and giving it a more generalized approach. Mr. Pellerin made note that the Attorney reviewed the Resolution and stated that it is legal; the Council is not prohibiting or infringing on anyone's rights. However, he did caution the Council to keep the Resolution focused on behavior not a specific group or groups. Mr. James commented that he did not like the title of the Resolution and should cover everyone's behavior.

On a motion by Mr. Kareckas, seconded by Ms. Cyr, it was voted 4-1 (Mr. James opposed) to affirm the Council action of July 26th adopting the Resolution Condemning White Nationalism and Extremist Groups.

Approval of Minutes

1. Public Hearing 7-26-22: On a motion by Mr. Kareckas, seconded by Mr. James, it was unanimously voted to adopt the minutes as written.
2. Town Council 7-26-22: On a motion by Mr. Kareckas, seconded by Mr. Minihan, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to sign the warrant dated August 4, 2022 in the amount of \$22,441.29 [FY 2022].
2. On a motion by Mr. James, seconded by Mr. Kareckas, it was unanimously voted to sign the warrant dated August 4, 2022 in the amount of \$914,608.89 [FY 2023]. Mrs. Cook made note that this warrant includes the monthly school payment of \$730,000.

Reports & Presentations

1. The Manager explained that per 23MRSA §754, the State highway roads running through South Berwick meet the criteria for transfer to the Town. The transition is scheduled for July 1, 2023 to coincide with the Town's fiscal year. The Town will receive an additional \$20,254 per year; bringing our total Local Road Assistance Program funding from the state to \$86,634 per year. (The additional funds will not cover the Town's ultimate costs).

Mr. Kareckas commented "we don't want to own the bridge" over the Great Works River.

Public Comment

1. Brad Christo, Oldfields Rd, asked why should we be concerned with the tax rate if we are getting a committed increase in revenue sharing from the State. The Assistant Manager explained that in the past we have been using money from our undesignated fund (savings account) to help with the budget and therefore keep the tax rate down. This year we budgeted for 3.75% from the State and got the full 5%. Next year we will get the full 5% and will budget accordingly. We are required to maintain a minimum amount in the undesignated fund and cannot continue to use it to offset the amount required to fund expenses. Mr. Pellerin made note that we do not know what could happen if there is a change at the State level as a result of the upcoming Gubernatorial Election.

2. George Muller, Portland St, addressed the Council in regards to speeding and vehicle noise on Portland Street. He stated that he has been begging for help for years. He added that more enforcement is needed; give tickets, not just warnings.
3. Audrey Fortier, Rodier Rd, in regards to the Resolution discussed earlier, asked the Council if the Town has any ordinances that regulate behavior.
4. Pat Robinson, Brattle St, commented that the Resolution should be retitled.

Town Manager's Report

- Highway: Backhoe tank replaced. 41 loads of leaves hauled from transfer station. Currently working on Hooper Sands ditching and tree trimming on Dawson. Staff is cross training on the new roadside mower.
- Police: 7 arrests, 4 accidents, and 84 traffic stops. Working with Berwick Academy to establish a school resource officer position for next year. Participated in the National Night Out with several other departments; it was a great success. A new used car has been purchased for the Detective to drive. Officer Arsenault has completed the firearms instructor course. Lt Upton is working with the school on an emergency plan in the event of a critical incident.
- Fire: 16 calls bringing the year's total to 237. The new Chief has been cleaning out the station and meeting with staff to discuss short- & long- term goals. Training is ongoing.
- Code: Issued 17 permits. Continue to work on minor home occupation changes. Working with Jay on several code violations. Still working with 12 Lord's Lane to bring them into compliance.
- Planning: Working on the 4th revision of the solar farm ordinance. Working on ordinance language for upcoming state required changes in 2023 & 2024.
- Library: Will be hosting the Seacoast Science Center on Wednesday. Still waiting on contractor quotes for the gutters.
- Recreation: The A/C is fixed and the roof is not leaking. Summer camp is wrapping up. We have 75 signed up for soccer camp and 220 signed up for fall soccer. Maureen has left and we will be posting for a new programming coordinator position. The seniors have a Lake Winnepesaukee luncheon planned for October. Adult yoga went very well and we are looking to continue it.
- Town Clerk: Continue to see a lot of new car registrations. Busy with marriage licenses. Cleaning out prior election materials and starting to prepare for the November Gubernatorial.
- Transfer Station: New rates go into effect on September 1st. A new sign has been ordered "Resident dumping only, no commercial dumping."
- Finance: Tax Club applications are being processed. Tax bills will go to the printer tomorrow. Continue with year-end reconciliations.
- Admin: Working with York Ambulance to address the staffing shortage. Our custodian is retiring and we are interviewing for a replacement. The website update is moving along; we are half way there. The Owl system has been updated and should work better. We had to adjust a number of settings for the sound quality.
- It was agreed to hold a workshop on September 20th to discuss the new town hall.

Unfinished Business

1. & 2. Still with Planning

3. The Council discussed the proposed ballot questions for the November election regarding the Salmon Falls River Project. The Attorney drafted the language.

On a motion by Mr. James, seconded by Mr. Minihan, to place the following question on the November Election ballot, "To see if the Town will vote to appropriate \$250,000 from the Undesignated Fund to assist the Great Works Regional Land Trust Purchase 71 Acres of property on the Salmon Falls River Tidal Waters located at Map 6 Lots 14, 14A and 29A such property to be used for public uses, and the appropriation of such funds will not affect the current mil rate?"

On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to place the following question on the November Election ballot, "see if the Town will accept the ownership of land purchased by the Great Works Regional Land Trust on the Salmon Falls River Tidal waters, such property located at Map 6, Lots 14, 14A and 29A."

New Business

1. Mr. Pellerin introduced Denise Clavette. She has been appointed to the new position of Economic Development Director. She is currently working for the City of Saco. Denise has extensive experience in the field, is a TIF guru and will be a great asset to the Town. She will start on September 12th.

On a motion by Mr. Kareckas, seconded by Mr. James, it was unanimously voted to affirm the appointment of Denise Clavette to the position of Economic Development Director.

2. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to approve the renewal of The Links at Outlook Golf Club's liquor license and special amusement permit.

3. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to hold a public hearing on Tuesday, September 13, 2022 at 6:30pm to receive comment on the proposed amendment to Chapter 60 Building Construction, Section 3, Fees.

4. The Council discussed the request from Liberty Street residents to put a vehicle weight limit on the road. The letter sent to former Manager Ellsworth stated that there has been a significant increase in the number of large trucks. Gail Santos, Liberty St, did comment that the traffic is much slower now with the speed tables.

The Council agreed to monitor the area and consider changes at a later date, if necessary.

5. Councilor Cyr gave the Council a presentation on Community Action Grants available through the Community Resilience Partnership. We need to start thinking about climate change and the things we can improve on. We can tackle the "low hanging fruit" for little money. There are a number of items that should be considered during our discussions about a new town hall.

Councilor Comments

1. Mr. Kareckas:

-Announced that he would not be seeking re-election in November. Nomination Papers are available.

2. Ms. Cyr:

-The Comp Plan Update Committee has received 434 survey responses online to date. Hard copies should be hitting the mail within a day or so.

-Met with an Eliot Selectboard member to discuss networking opportunities.

3. Mr. Minihan:

-Has been spending time visiting various Town facilities. The guys at the Transfer Station are very helpful; no one is ever grumpy. Got a tour of the new highway garage. The guys are very excited about the new facility.

-Thanked the staff for getting the Owl updated.

-Reminded everyone that Lantern Fest is Wednesday.

4. Mrs. Cook:

-Stated that Facebook is not where we conduct Town business. Councilors must be careful about Facebook posts and acting as an individual vs. acting as a body.

Mr. Pellerin added that Facebook (social media) is not an approved place to conduct municipal business. Tim warned Councilors, "don't get baited."

Mr. Pellerin presented the following:

-Mr. James received a 5-year service pin

-Mrs. Cook received a 5-year service pin

-Mr. Kareckas received a 30-year service pin

Adjournment

On a motion by Mr. James, seconded by Mr. Kareckas, it was unanimously voted to adjourn the meeting at 8:25pm.

Attest:

Barbara Bennett, CCM

A / P Warrant

South Berwick-2022
9:22 AM

Bank: KENNEBUNK - Operating

08/18/2022
Page 1

Type	Check	Amount	Date	Wrnt	Payee
R	45222	60.78	08/18/22	84	0012 BERNSTEIN, SHUR, SAWYER & NELSON
R	45223	498.18	08/18/22	84	0182 CARD MEMBER SERVICE
R	45224	813.52	08/18/22	84	0070 DEMCO
R	45225	1,250.00	08/18/22	84	0217 JD POWER AND ASSOCIATES
R	45226	187.82	08/18/22	84	0675 KEY FORD OF YORK
R	45227	3,652.00	08/18/22	84	0080 LIBBY SCOTT INC.
R	45228	2,750.00	08/18/22	84	1146 NEW ENGLAND VEHICLE OUTFITTERS
R	45229	954.60	08/18/22	84	0184 SOUTH BERWICK SEWER DISTRICT
R	45230	208.42	08/18/22	84	0203 SOUTH BERWICK WATER DISTRICT
R	45231	6,330.00	08/18/22	84	0914 YORK COUNTY TREASURER
Total		16,705.32			

Count

Checks	10
Voids	0

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 name in this schedule as signed by the Town Council below:

John Kareckas _____ John James _____

Jeff Minihan _____ Jessica Cyr _____

Mallory Cook _____

APPROVED _____

DATE _____

TOWN MANAGE _____

A / P WarrantSouth Berwick
9:56 AM

Bank: KENNEBUNK - Operating

08/18/2022
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	45218	20,602.35	08/05/22	11	0132 BUREAU OF MOTOR VEHICLES
P	45219	242.82	08/05/22	11	0204 READY REFRESH
P	45220	26,704.00	08/09/22	11	0675 KEY FORD OF YORK
P	45221	23,572.62	08/12/22	11	0132 BUREAU OF MOTOR VEHICLES
R	45232	475.00	08/18/22	11	0891 2-Way Communications Services, Inc.
R	45233	4,054.00	08/18/22	11	1069 AFFORDABLE OFFICE SOLUTIONS
R	45234	53.94	08/18/22	11	0103 ASHLINE, KERA
R	45235	263.27	08/18/22	11	0771 ATLANTIC FUELS
R	45236	1,374.15	08/18/22	11	0054 BAKER & TAYLOR
R	45237	638.98	08/18/22	11	0288 BROX INDUSTRIES
R	45238	88.75	08/18/22	11	0062 BUSINESS EQUIPMENT UNLIMITED
R	45239	3,052.94	08/18/22	11	0182 CARD MEMBER SERVICE
R	45240	1,221.83	08/18/22	11	0019 CENTRAL TIRE CO, INC.
R	45241	294.35	08/18/22	11	1158 CINTAS CORP
R	45242	216.10	08/18/22	11	0021 CUMMINS NORTHEAST LLC
R	45243	50.00	08/18/22	11	0448 DIRIGO SAFETY, LLC
R	45244	197.57	08/18/22	11	0156 DRAKE, NICOLE
R	45245	1,860.48	08/18/22	11	0069 ELIMINATOR INC
R	45246	1,425.00	08/18/22	11	1161 EQUATURE
R	45247	97.05	08/18/22	11	0354 FALLON, TOM
R	45248	608.00	08/18/22	11	0337 GENEST PRECAST
R	45249	39.57	08/18/22	11	0526 GRAINGER
R	45250	193.50	08/18/22	11	0045 GROUP DYNAMIC, INC.
R	45251	32,689.08	08/18/22	11	0273 HARVARD PILGRIM HEALTH CARE
R	45252	2,619.01	08/18/22	11	1072 Herc Rentals 187
R	45253	110.00	08/18/22	11	0209 HUSSEY SEPTIC
R	45254	569.96	08/18/22	11	0934 J&D POWER EQUIPMENT, INC
R	45255	258.09	08/18/22	11	1149 JONES, KRISTEN
R	45256	840.96	08/18/22	11	0419 LAKES REGION FIRE APPARATUS INC.
R	45257	35.00	08/18/22	11	0049 MAINE LOCAL GOVERNMENT
R	45258	5,336.37	08/18/22	11	0141 MAINE MUNICIPAL ASSOCIATION
R	45259	1,177.50	08/18/22	11	0082 MAINE RESOURCE RECOVERY
R	45260	590.00	08/18/22	11	0595 MAINE TREASURER
R	45261	59.05	08/18/22	11	0081 MAINE TURNPIKE AUTHORITY
R	45262	143.22	08/18/22	11	0084 MICK BODYWORKS INC
R	45263	30.00	08/18/22	11	0458 MMTCTA
R	45264	206.25	08/18/22	11	0332 MTCMA
R	45265	352.90	08/18/22	11	1061 NEGM ELECTRIC, LLC
R	45266	54.50	08/18/22	11	0284 NEPTUNE UNIFORMS & EQUIPMENT
R	45267	200.00	08/18/22	11	1146 NEW ENGLAND VEHICLE OUTFITTERS
R	45268	400.00	08/18/22	11	1160 NORWOOD, ASHLEY
R	45269	383.62	08/18/22	11	0158 OMNI SERVICES INC.
R	45270	163.77	08/18/22	11	0944 O'REILLY FIRST CALL
R	45271	11,744.25	08/18/22	11	0088 P GAGNON & SONS INC
R	45272	66.56	08/18/22	11	0089 PIKE INDUSTRIES INC
R	45273	16,392.43	08/18/22	11	0572 PINE TREE WASTE, INC
R	45274	14,947.37	08/18/22	11	0313 POIRIER GUIDELINES
R	45275	4,851.64	08/18/22	11	0905 POWERDMS, INC

A / P Warrant

South Berwick
9:56 AM

Bank: KENNEBUNK - Operating

08/18/2022
Page 2

Type	Check	Amount	Date	Wrnt	Payee
R	45276	93.06	08/18/22	11	0232 QUILL CORPORATION
R	45277	452.34	08/18/22	11	0236 SIRCHIE
R	45278	1,778.87	08/18/22	11	0195 SOUTHERN MAINE PLANNING & DEVLOPMENT, INC
R	45279	4,882.01	08/18/22	11	0095 STELLAR NETWORKS
R	45280	464.00	08/18/22	11	0594 TREASURER STATE OF MAINE
R	45281	606.32	08/18/22	11	0462 ULINE
R	45282	170.00	08/18/22	11	0738 VAN METER & ASSOC., INC
R	45283	644.00	08/18/22	11	1144 VAN TUINEN, WILLIAM
R	45284	192.75	08/18/22	11	1025 VASAPOLI, TYANNE
R	45285	539.00	08/18/22	11	0097 VERIZON WIRELESS
R	45286	1,057.74	08/18/22	11	0001 WIN WASTE INNOVATIONS
Total		192,427.89			

Count

Checks	59
Voids	0

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 name in this schedule as signed by the Town Council below:

John Kareckas _____ John James _____

Jeff Minihan _____ Jessica Cyr _____

Mallory Cook _____

APPROVED _____

DATE _____

TOWN MANAGE

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 8/23/2022	NB #1
Agenda Item: Paul Street Parking Lot	
Department Head Recommendation: This lot was purchased by the Town in 1997, for the specific purpose of supplying town residents approximately 10 additional parking spots to access the downtown area.	
Town Manager's Introduction: Karen Malsbenden reached out to me, with a concern that her tenants were getting overnight parking tickets. We discussed the parking ordinance that was in place since 2009. That is when she informed me that she had a verbal agreement with Perry Ellsworth about her tenants being allowed to park in that lot overnight. I talked with Karen and instructed her that this was a Town Council Decision to change any Town Ordinance and asked her to write a letter and come and speak to the Town Council.	
Requested Action: Council to vote to leave the ordinance in place, or Set a public hearing date to possibly change the ordinance for the Paul Street Municipal Parking lot.	
Vote	

August 15, 2022

Karen Malsbenden
10 Portland St.
South Berwick, ME 03908

To the City Chamber Members of South Berwick,

My name is Karen Malsbenden and my husband is Ivo Kresta. We are the current property owners of 10 Portland Street which is located in downtown South Berwick. I am a teacher in the Epping School district. Ivo is the head of operations at Institutional Shareholder Services . My husband and I are not affiliated with any real estate firms nor do we hire a management company for our property. We, together, have managed 10 Portland Street, successfully since 2015. Becoming landlords was a thoughtful, professional decision we made in order to support our means for retirement.

Investing in the town of South Berwick has been exciting for many reasons. The people are welcoming, the downtown is vibrant and the location is close to major cities and resources. The building itself is filled with historic stories and nuances which I personally find endearing. When deciding to enter into a purchase and sales agreement for our home, I had to do my due diligence. My biggest concern with the property wasn't that it needed updating, it was tenant parking. I did not want to acquire a property that would not allow my tenants safe and viable parking opportunities. More specifically, the opportunity for safe overnight parking. As you may or may not know, parking is a top priority for any tenant or homeowner in our more modern times. In fact, prospective tenants screen properties for parking before even taking the time to view apartments in person.

While doing my diligence in 2005, I was told by the previous owners, my real estate agent and professionals at the town hall that parking of any kind was available, with no issue, in three specific public lots. The parking lots that were available to my tenants are those located at the Post Office, the lot behind the South Berwick House of Pizza and the Paul Street lot. It was a verbal agreement between the town, myself and my tenants that we had permission to park overnight in the lot off of Paul Street in particular. The city manager at that time was Mr. Perry Ellsworth.

Ivo and I pride ourselves in making sure our building is maintained and tenants are safe and comfortable in their living environment. We have experienced very little turnover since 2015. Our current tenants are law abiding citizens who enjoy a personable yet professional rental opportunity. The sudden enforcement of the 2009 parking ordinance would certainly hinder this relationship with Ivo and I and also the town. I would hate to lose my tenants but I would certainly understand if they moved due to the current situation. They have already voiced concern. First and foremost, the walking distance from any lot other than the Paul Street lot is a major safety concern. Walking at night is a risk, especially a long distance. Secondly, the Paul

St. lot is the most convenient and viable. Walking a long distance can create a challenge and or hindrance when completing daily tasks. For example, grocery shopping would be impacted, especially if elderly. In the winter and hot summer days, the distance to the allowed overnight parking lots can become or even create health concerns.

As active landlords, Ivo has attended town meetings. He was present for those when the new Stage Inn was being built. Again, we were concerned about parking. Our questions were asked and answered. Everything remained status quo for the Paul St. parking lot. Our concerns were addressed and we were thrilled with the outcome. We both felt confident that our tenants were taken care of by all parties.

At this time, the parking ordinances remain inconsistent and confusing. If this current parking ordinance is kept in place and continues to be enforced however, it will greatly hinder my current tenants. It will also hinder my pool of prospective future tenants. As parking is a major concern for renters, it will be extremely difficult in finding invested tenants. I would like to take this time to ask the town of South Berwick to reconsider this ordinance. As a law abiding, tax paying citizen of South Berwick, I need the opportunity and time to work with you in finding a solution to this current problem. I would ask for six overnight parking spaces in the Paul Street lot as my property clearly does not have any private parking options. Thank you for your time and consideration.

Sincerely,
Karen Malsbenden and Ivo Kresta

File


PAUL ST LAND for
parking lot

**SPECIAL TOWN MEETING
NOVEMBER 10, 1997**

Pursuant to the foregoing warrant, the inhabitants of the Town of South Berwick, qualified to vote in town affairs, assembled in the Council Chambers, Town Hall, on November 10, 1997 at 7:00pm and transacted the following business:

ARTICLE 1: Edwin MacArthur was nominated as moderator, received one vote of a total of one vote cast, was duly elected and sworn in by the Town Clerk.

At 7:10pm, the business session commenced. The moderator announced that the conduct of the meeting would be according to the Maine Moderators Manual, fifth edition, as written by the Maine Municipal Association.



ARTICLE 2: To see if the Town will vote to appropriate from undesignated general funds, an amount not to exceed \$80,000, for the of purchase land, removal of buildings, and construction of a municipal parking lot facility on Paul Street, tax map 28, lot 143.

Those participating in the discussion included Ed Redmond, Leland McLean, Jeff Clay, Frank Waters, Valerie Forsyth, Richard Clough, Arlene Hodgdon, Ron Reeder, Marilyn Flores, Michael Gallo, Norma Keim, Clifford Cleary, Jack Kareckas, and Bob Issa.

The areas of major concern to those present were the need for the lot and whether the entire Town would benefit from it, costs of it's maintenance, possible effects on traffic flow, and safety. Another area of discussion, not directly related to the proposed lot included traffic related issues in the downtown area. The discussion began to get sidetracked and Robert Gagne made a motion to move the question, Richard Clough seconded the motion, and by a majority consensus the Moderator called for a vote.

Mr. Gagne made a motion to adopt article 2, the motion was seconded by Mr. MacPherson. The article passed with a vote, by show of hands, 47 to 33 in favor of article 2.

ARTICLE 3: On a motion by Mr. Clough, seconded by Mr. Gagne, it was unanimously voted to adjourn the meeting at 7:35pm.

Attest: 
Barbara Bennett
Town Clerk

- I. In a painted parking space such that the roadway side of the vehicle extends over the roadway side of the painted parking space, or in such a manner that the right side of a vehicle or portion thereof is three feet or more from the curb, sidewalk, or edge of the pavement.
- J. On any public way or area designated as a tow zone. [Added 6-27-2005]

§ 130-17. Parking prohibited certain hours.

No person shall park a vehicle between the hours specified of any day, unless otherwise indicated, upon any of the streets or parts of streets described:

Name of Street	Side	Hours/Days	Location
All streets	Both	12:00 midnight to 7:00 a.m. Nov. 30 through Mar. 31	Entire length (except physicians on emergency or professional calls)

§ 130-17.1. Off-street parking restrictions. [Added 10-10-2006]

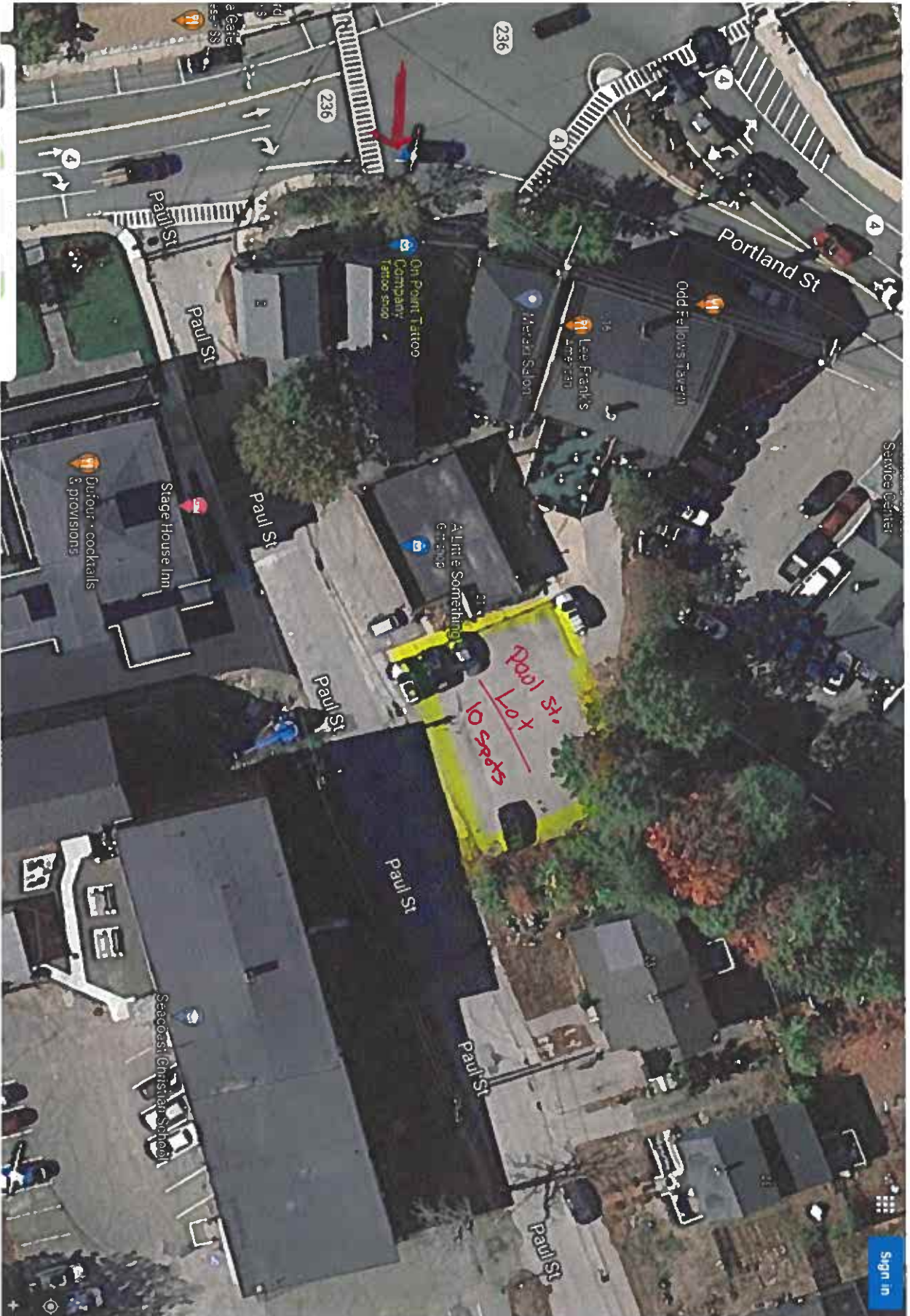
No person shall park a vehicle in a Town-owned lot or driveway except as specified below:

Location of Lot	Hours	Description of use
Community Center	24 hours/day	Community Center parking only
Norton Street Lots [Amended 4-13-2009]	24 hours/day	<u>No restriction</u>
Park & Ride Lot	24 hours/day	Designated parking spots only
Paul Street Lot [Amended 4-13-2009]	6:00 a.m. to 12:00 midnight	2-hour parking; no overnight parking
Post Office Lot (excluding employees of the Bank and Post Office) [Amended 4-13-2009]	6:00 a.m. to 6:00 p.m. 6:00 p.m. to 6:00 a.m.	2-hour parking <u>No restriction</u>
Town Hall Driveway	24 hours/day	No parking
Town Hall Lot	24 hours/day	Municipal parking only; no overnight parking
Young Street Municipal Lot [Added 4-13-2009]	6:00 a.m. to 12:00 midnight	<u>No restriction</u>

§ 130-18. No stopping certain hours.

No person shall stop a vehicle between the hours specified of any day, unless otherwise indicated, upon any of the streets or parts of streets described:

Name of Street	Side	Hours/Days	Location
		(Reserved)	



TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 8/23/2022	NB #2
Agenda Item: Map/Lot 003-37-A-000 – Foreclosed Property, Town Owned.	
Department Head Recommendation:	
We have two parties interesting in purchasing this 3-acre lot on Bennett Road, our account # 367. One is an abutter, and one is not.	
Town Manager's Recommendation:	
According to our Code the Town council has a few options on Town owned properties, Code attached. Town Manager's recommendation is to sell the property with a Public sealed bid to be fair to both parties interested, with a minimum bid of the Assessed value plus past taxes due for a minimum bid of \$16,351.94.	
Requested Action:	
Council to vote on how to sell town owned foreclosed Town owned property on Map/Lot 003-037-A-000. *Vote to allow Town Manager to sell property in accordance to Tax-Acquired Property A158.2 A.1, Disposal by public sealed bids.	
Vote	

Chapter A158

TAX-ACQUIRED PROPERTY

§ A158-1. Purpose.

§ A158-2. Disposal.

[HISTORY: Adopted by the Town Council of the Town of South Berwick 1-12-1987.¹ Amendments noted where applicable.]

§ A158-1. Purpose.

Since the Town of South Berwick occasionally forecloses on property for nonpayment of taxes, a fair and consistent manner of disposing of that property is necessary. It will be the policy of the Town of South Berwick to dispose of tax-acquired property with no intent of making a profit.

§ A158-2. Disposal. [Amended 11-9-1998]

A. Former owner(s) regain ownership. The Town will make every reasonable effort to see that the last former owner(s) of the property has the opportunity to regain ownership of his/her property. The Town will first offer the tax-acquired property to the last former owner upon the condition that all back taxes, interest, lien costs and the current year taxes are paid in full. This will be done within 10 days after the foreclosure date by notifying the former owner(s) by certified mail. If there is no response within 30 days, the Town Council at its sole option may take any of the following actions:

- (1) Public sealed bids. The Town may offer the tax-acquired property to the general public on a sealed bid basis. Notification of bids shall be published in a newspaper of general circulation and shall be posted in some conspicuous place in Town at least seven days, but not more than 14 days prior to the bid deadline. Separate written notice shall be sent to the property abutter(s). The tax-acquired property shall be sold to the highest reasonable (minimum may be set by the Town Council before the bid) bidder.
- (2) Sell to property abutters. The property may be offered to the property abutters at current assessed value at a ratio of 100%. If there is more than one abutter, selection will be made by lottery.
- (3) Town ownership. The Town may choose not to dispose of tax-acquired property, but to retain the property for public use.
- (4) The Town may choose to dispose of tax acquired property through a public auction. [Added 1-16-2008]
- (5) The Town may choose to donate or sell tax-acquired property for up to or less than its current assessed value to a qualified conservation organization, as described in

1. Editor's Note: The Council reviewed and ratified this policy 12-8-2015.

IRC Section 170(h), whose core mission includes the conservation and stewardship of land in perpetuity. **[Added 4-25-2017]**

- B. Future disposition. The Town will not dispose of tax-acquired property if the location of the property is questionable. If the location of the property becomes known at a later date, the Town may dispose of it in conformance to this policy.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 8/23/2022	NB #3
Agenda Item: Write Off Uncollectible Real Estate Taxes	
Department Head Recommendation: Deputy Tax Collector	
<p>Recommendation: Write off uncollectible taxes pursuant to M.R.S.A 36 Sec 841.3.</p> <p>State law requires towns to assess Owner Unknown Properties for 20 years before foreclosing. Taxes remain uncollectible until foreclosure in 2037, or the owner is identified.</p> <p><u>Owner Unknown Accounts: 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375</u></p> <p>2019 –1,466.80</p> <p>Total Tax Write Off: \$1,466.80</p>	
<p>Town Manager's Recommendation:</p> <p>Write off uncollectible taxes on Owner Unknown properties for the tax year 2019 in the amount of \$1,466.80 pursuant to M.R.S.A 36 Sec 841.3.</p>	
<p>Requested Action:</p> <p>Motion to write off uncollectible taxes on Owner Unknown properties for the tax year of 2019 in the amount of \$1,466.80.</p>	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 8/23/2022	NB 4
Agenda Item: Write Off Uncollectible Personal Property Taxes	
Department Head Recommendation: Deputy Tax Collector	
<p>Recommendation: Write off uncollectible taxes pursuant to M.R.S.A 36 Sec 841.3.</p> <p>The following companies have outstanding Personal Property tax balances that remain uncollectible. Numerous attempts at collection have not been successful, and the cost to continue collection efforts outweighs the tax amount owed.</p> <p style="padding-left: 40px;">Mikey's Pizza, 438 Main St., Acct #268. <u>2017 Taxes: \$183.00</u> Isidore on the Rocks, LLC, 18 Portland St., Acct #213. <u>2020 Taxes: \$203.04</u> Vacuum Village, 267 Main St., Acct #209. <u>2020 Taxes: \$1.36</u></p> <p>Total Tax Write Off: \$387.40</p>	
<p>Town Manager's Recommendation:</p> <p>Write off uncollectible taxes in the amount of \$387.40 pursuant to M.R.S.A 36 Sec 841.3.</p>	
<p>Requested Action:</p> <p>Motion to write off uncollectible personal property taxes in the amount of \$183.00 for the 2017 tax year, and \$204.40 for the 2020 tax year.</p>	
Vote	