

Appendix A

Effective: 10/01/23-09/30/24

2023-2024 GA Overall Maximums**Metropolitan Areas**

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	886	1,029	1,316	1,638	2,241
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,103	1,235	1,626	2,049	2,215
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	853	925	1,186	1,543	1,870
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	846	853	1,126	1,408	1,537
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,367	1,593	2,045	2,611	3,201
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	938	1,118	1,360	1,857	2,219

Appendix A
Effective: 10/01/23-09/30/24

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,154	1,217	1,509	1,961	2,207
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,327	1,393	1,834	2,489	3,175

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	742	812	951	1,281	1,464
Franklin County	781	834	1,033	1,383	1,695
Hancock County	965	996	1,198	1,521	1,655
Kennebec County	879	899	1,120	1,470	1,587
Knox County	905	913	1,120	1,490	1,592
Lincoln County	1,004	1,013	1,282	1,582	2,069
Oxford County	873	878	1,072	1,514	1,761
Piscataquis County	752	810	1,000	1,326	1,598
Somerset County	810	851	1,098	1,430	1,532
Waldo County	1,041	1,047	1,256	1,558	2,132
Washington County	811	816	1,060	1,328	1,453

* Please Note: Add \$75 for each additional person.

Appendix B

Effective: 10/01/23 to 09/30/24

2023-2024 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the [U.S.D.A. Thrifty Food Plan](#). As of October 1, 2023, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 67.67	\$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00

Note: For each additional person add \$219 per month.

2023-2024 GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! ONLY consider adopting the following numbers if these figures are consistent with local rent values. If not, a market survey should be conducted, and the figures altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)

Non-Metropolitan FMR Areas

<u>Aroostook County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		134	577	169	726
1		139	598	185	794
2		156	672	216	929
3		218	940	292	1,256
4		243	1,044	333	1,434
<u>Franklin County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		143	616	178	765
1		144	620	190	816
2		175	754	235	1,011
3		242	1,042	316	1,358
4		296	1,275	387	1,665
<u>Hancock County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		191	821	221	950
1		191	821	228	979
2		222	956	274	1,177
3		285	1,227	348	1,496
4		301	1,293	378	1,625
<u>Kennebec County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		171	735	201	864
1		171	735	205	882
2		204	878	256	1,099
3		274	1,176	336	1,445
4		285	1,225	362	1,557

Appendix C

Effective: 10/01/23-09/30/24

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	177	761	207	890
1	177	761	208	896
2	204	878	256	1,099
3	278	1,196	341	1,465
4	286	1,230	363	1,562
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	200	860	230	989
1	200	860	232	996
2	242	1,040	293	1,261
3	300	1,288	362	1,557
4	397	1,707	474	2,039
<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	169	729	200	858
1	169	729	200	861
2	193	830	244	1,051
3	284	1,220	346	1,489
4	325	1,399	403	1,731
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	136	587	171	736
1	139	596	184	792
2	168	721	227	978
3	229	985	302	1,301
4	274	1,178	365	1,568
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	155	666	185	795
1	155	666	194	834
2	199	856	250	1,077
3	264	1,136	327	1,405
4	272	1,170	349	1,502

Appendix C
Effective: 10/01/23-09/30/24

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	209	897	239	1,026
1	209	897	239	1,030
2	236	1,014	287	1,235
3	294	1,264	357	1,533
4	412	1,770	489	2,102

<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	155	667	185	796
1	155	667	186	799
2	190	818	242	1,036
3	241	1,034	303	1,303
4	254	1,091	331	1,423

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	172	742	203	871
1	196	841	235	1,012
2	250	1,074	301	1,295
3	313	1,344	375	1,613
4	437	1,879	514	2,211

<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	223	959	253	1,088
1	244	1,047	283	1,218
2	322	1,384	373	1,605
3	408	1,755	471	2,024
4	431	1,853	508	2,185

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	165	709	195	838
1	171	737	211	908
2	220	944	271	1,165
3	291	1,249	353	1,518
4	351	1,508	428	1,840

Appendix C

Effective: 10/01/23-09/30/24

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	163	702	193	831
1	163	702	194	836
2	206	884	257	1,105
3	259	1,114	322	1,383
4	273	1,175	351	1,507
<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	284	1,223	314	1,352
1	327	1,405	366	1,576
2	419	1,803	471	2,024
3	539	2,317	601	2,586
4	660	2,839	738	3,171
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	185	794	215	923
1	216	930	256	1,101
2	260	1,118	311	1,339
3	364	1,563	426	1,832
4	432	1,857	509	2,189
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	235	1,010	265	1,139
1	239	1,029	279	1,200
2	295	1,267	346	1,488
3	388	1,667	450	1,936
4	429	1,845	506	2,177
<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	275	1,183	305	1,312
1	280	1,205	320	1,376
2	370	1,592	422	1,813
3	511	2,195	573	2,464
4	654	2,813	731	3,145

2023-2024 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2023 to September 30, 2024.**

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
<p>NOTE: For each additional person add \$75 per month.</p> <p>(The applicable figures from Appendix A, <i>once adopted</i>, should be inserted here.)</p>						

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	\$ 67.67	\$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00
<p>NOTE: For each additional person add \$219 per month.</p>		

APPENDIX C - HOUSING MAXIMUMS

<u>Number of Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0				
1				
2				
3				
4				
(The applicable figures from Appendix C, <i>once adopted</i> , should be inserted here.)				

FOR MUNICIPAL USE ONLY

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) Electricity Maximums for Households *Without Electric Hot Water*: The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.95	\$ 85.50
2	\$22.52	\$ 96.50
3	\$24.97	\$107.00
4	\$27.53	\$118.00
5	\$29.88	\$128.50
6	\$32.55	\$139.50

NOTE: For each additional person add \$10.50 per month.

2) Electricity Maximums for Households *With Electrically Heated Hot Water*: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$29.63	\$127.00
2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

NOTE: For each additional person add \$14.50 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

FOR MUNICIPAL USE ONLY

Appendix G

Effective: 10/01/23-09/30/24

2023-2024 Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Comptroller. The current rate for approved employment and necessary medical travel etc. is 46 cents (46¢) per mile.

Please refer to the Office of the State Controller for changes to this rate at 626-8420 or visit <http://www.state.me.us/osc/>



DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF THE STATE CONTROLLER
 STATE OF MAINE

[Home](#) → [Travel](#) → Mileage & Other Info

Mileage & Other Info

(Per Collective Bargaining Agreement) at <http://www.maine.gov/oer/contracts/index.htm>
<http://www.maine.gov/oer/contracts/index.htm>

ARTICLE 28. EXPENSE REIMBURSEMENT (2021-2023)

Please Note: These rules remain in effect until the release of an updated Collective Bargaining Agreement.

A. Mileage Allowance:

The following matrix identifies the mileage allowance and effective date for each of the collective bargaining agreements, as well as non-bargaining unit employee groups.

Mileage Allowance Matrix

UNIT NAME	AFSCME	MSLEA	MSEA*	FOP/MSLES	CONFIDENTIAL - APPOINTED	EMPLOYEES NOT COVERED UNDER COLLECTIVE BARGAINING
Effective Date	10/01/2022	10/01/2022	10/01/2022	10/01/2022	10/01/2022	10/01/2022
Mileage Rate	\$.46	\$.46	\$.46	\$.46	\$.46	\$.46

**Including: Administrative Services; Operations, Maintenance & Support; Professional & Technical; and Supervisory Services bargaining units.*

- Effective July 1, 2007 Employees who are disabled and use their own personal adapted vehicle on State business, shall receive the current mileage reimbursement plus an additional ten cents (\$.10) per mile.
- The State retains the right to require employees to use State vehicles in lieu of mileage reimbursement.

ARTICLE 28. EXPENSE REIMBURSEMENT (2019-2021)

A. Mileage Allowance:

Mileage Allowance Matrix

UNIT NAME	AFSCME	MSLEA	MSEA*	MSTA	CONFIDENTIAL - APPOINTED
Effective Date	07/12/2019	07/15/2019	08/01/2019	07/01/2021	07/01/2021
Mileage Rate	\$.45	\$.45	\$.45	\$.45	\$.45

**Including: Administrative Services; Operations, Maintenance & Support; Professional & Technical; and Supervisory Services bargaining units.*

B. Extended Day Meal Allowance:

- A traveler may be reimbursed for meal expenses only after the traveler is in travel status for two hours beyond the traveler's regularly scheduled working hours for any one day. The two hours may consist of hours occurring during or after, or a combination of both during and after the traveler's regularly scheduled working hours for the day.
- Allowed Breakfast (\$5.00) or Dinner (\$14.00) depending on the time of Extended Day. Anything over \$8.00 requires a receipt.
- This requirement is not applicable to the reimbursement provisions of Subsection 10.40.70 of SAAM (meals when not in travel status.)

See [Travel FAQs \(/osc/travel/frequently-asked-questions\)](#) for Extended Day examples.

C. Telephone Allowance:

- An employee away from home overnight on the business of the State shall have the right to one (1) five (5) minute telephone call per night. When the employee is away from home overnight for two (2) or more continuous nights, that employee may aggregate the above five (5) minute period into (1) or more telephone calls as long as the total time used does not exceed the total time allowed.
- An employee who reports to work and then is required to work unscheduled overtime shall have the right to one five (5) minute telephone call to notify a member of his/her household.

Credit

Copyright © 2019
All rights reserved.

Information

[Site Policies](#)
[Accessibility](#)
[Document Viewers](#)
[Maine.gov](#)
[DAFS](#)
[Home](#)
[Sitemap](#)

Helpful Links

[Forms](#)
[SAAM Manual](#)
[FAQs](#)
[Liaison List](#)
[Contact Us](#)
[About Us](#)

Related Links

[AGA Maine Chapter Website](#)
[AGA National Website](#)
[Maine Revenue Services](#)
[Division of Procurement Services](#)

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$1,025**.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary

Appendix H

Effective: 10/01/23-9/30/24

- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

2023-2024 GA Housing Maximums

Recovery Residences

The following Recovery Residence maximums are in effect from 10/1/2023- 9/30/2024

Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	148.88	595.50

<u>Franklin County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	153.00	612.00

<u>Hancock County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	183.56	734.25

<u>Kennebec County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	165.38	661.50

<u>Knox County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	165.38	672.00

<u>Lincoln County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	186.75	747.00

<u>Oxford County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	161.44	645.75

<u>Piscataquis County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	148.50	594.00

<u>Somerset County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	156.38	599.25

<u>Waldo County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	193.13	772.50

<u>Washington County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	149.81	599.25

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	189.75	759.00

<u>Cumberland Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	228.38	913.50

<u>Lewiston/Auburn MSA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	170.25	681.00

<u>Penobscot Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	156.75	627.00

<u>Portland HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	295.50	1182.00

<u>Sagadahoc Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	206.44	825.75

<u>York Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	225.00	900.00

<u>York/Kittery/S. Berwick HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	258.00	1032.00



Town of South Berwick

Planning Department

180 MAIN STREET
SOUTH BERWICK, MAINE 03908

TEL. 207-384-3012

To: South Berwick Town Council
From: South Berwick Planning Board
Date: 7/26/2023

RE: Chapter A142, Assessors Lot Merger Policy

On May 17, 2023, the Planning Board received an Amendment to the Chapter A142 Assessors Lot Merger Policy Ordinance. I have attached the letter from Verna Sharpe, Town Assessor here, as well as the court case that accompanied the letter.

In summary, the required changes affect the following chapters of the South Berwick Code:

1. Chapter A142, Assessors Lot Merger Policy

After deliberations about Verna's Letter, and the court case that Verna attached, the Planning Board discussed the process for adopting ordinances. Accordingly, the planning Board conducted a public hearing June 7, 2023 at 7:00pm.. At the conclusion of the public hearing the Planning Board voted to send the proposed changes to the Town Council.

Sincerely,

Greg Zinser, Chair

Memorandum

To: Planning Board

From: Verna E. Sharpe, Assessing Agent

Date: April 27, 2023

Re: Chapter A142. Assessors Lot Merger Policy

Att: Exhibit A, Maine Supreme Court decision 2019 ME 172
Exhibit B, Portland Press Herald article, August 2016

I would like to propose a change to § A142-2 of ordinance known as **Chapter A142. Assessors Lot Merger Policy**, approved by the Board of Assessors in 2005. In light of Maine Supreme Court decision **2019 ME 172 Kenyon C. Bolton III et al¹ v. Town of Scarborough**, I believe change is warranted to avoid or minimize any potential future legal liability on the part of the Town. A copy of the decision is attached as Exhibit A for your review. In summary, the Court found that the so-called “abutting lot program” of merging lots for property tax savings to be unlawfully discriminatory and violated the Taxpayers’ right to equal protection. The Town of Scarborough had been found to be merging lots at owner request, resulting in substantial tax savings for those few owners. This is unconstitutional because the reduced assessments did not reflect just value² and the rest of the taxpayers in the Town were burdened by this inequity. The Court remanded back to the Superior Court with the remedy of abating the Taxpayers the difference in the amount they paid and what they would have paid if the merged lots were assessed at just value, plus interest, on multiple years.

There may be circumstances when a lot merger is warranted and should be allowed. These circumstances may include a proposed building that would straddle a property line, or when required setbacks are not met and a lot merger or lot line revision would remedy the deficiency. In these cases, it should be in the Planning Board’s jurisdiction and clearly stated in the Findings of Fact or Notice of Decision. However, I would like to see language that addresses this and encourages a conservative approach. For example, if an owner submits a site plan for review and there is a need to incorporate area from the abutting lot, that a lot line revision may be the preferred option, instead of a lot merger.

¹ Also known as “the Taxpayers”, 34 residents who appealed the Town’s practice of merging lots.

² Just value is the same as market value.

Chapter A142. ~~Assessors~~ Lot Merger Policy

§ A142-1 Purpose.

The intent of this policy is to provide ~~the Board of Assessors or~~ ~~the Planning Board~~ with a general rule for the voluntary merger of contiguous parcels and to assure all parcels are being assessed at their just value.

§ A142-2 Voluntary merger of preexisting approved or subdivided lots or parcels.

Any owner of two or more contiguous preexisting approved or subdivided lots or parcels who wishes to merge them ~~for planning for municipal regulation and taxation~~ purposes may do so by applying in writing to ~~the Board of Assessors or the Planning Board~~. Except where such merger would create a violation of then-current ordinances or regulations, all such applications shall be approved, and no public hearing or notice shall be required. The application must be signed by all owners of the property, including mortgagees. The application must be accompanied by ~~a new deed which shall include the legal description for the merged lots~~ and a Certificate of Merger signed by all the owners (including mortgagees) stating that, ~~in consideration of the tax benefits achieved by merging the lots or parcels~~, the owners agree that the merged lots or parcels shall thereafter be considered a single lot for all purposes under the Town's land use ordinances and that the owners waive any rights to divide the merged lot, separately convey any portion of the merged lot or separately develop any portion of the merged lot unless such division, conveyance or development meets all applicable requirements of the Town's land use ordinances at the time it occurs. Upon approval of the merger application by ~~the Board of Assessors or the Planning Board~~, ~~the Board or the Planning Board~~ shall endorse such approval on the Certificate of Merger. The owners shall then record the Certificate of Merger in the registry of deeds and return a copy of the recorded certificate, endorsed with book and page number, ~~to the Board of Assessors or the Planning Board within thirty days of approval~~. The merger shall not be effective until the Certificate of Merger has been recorded. If the merged lots are depicted on a previously recorded plan, no new plan needs ~~to~~ be recorded, provided the Certificate of Merger is recorded.

§ A142-3 Discovery of previous combined lots.

Any owner of two or more contiguous preexisting approved or subdivided lots or parcels which were previously merged for taxation purposes but not merged by deed or other instrument recorded in the registry of deeds shall receive written notification by ~~the Board of Assessors or its designee~~ requesting voluntary merger. Such notice shall state that if the owner wishes to keep these lots combined, the owner must comply with the voluntary merger policy of the Town of South Berwick as described above. If no application for a voluntary merger is received, the preexisting approved or subdivided lots or parcels shall be separately assessed at their individual values commencing on the next assessment date.

Deleted: Assessors

Formatted: Strikethrough

Deleted: its designee

Formatted: Font color: Auto, Not Strikethrough

Formatted: Font color: Auto

Formatted: Font color: Auto

Deleted:

Formatted: Font color: Dark Red, Strikethrough

Formatted: Font color: Auto

Formatted: Font color: Dark Red, Strikethrough

Deleted: its designee

Deleted: ,

Formatted: Font color: Dark Red

Formatted: Font color: Dark Red, Strikethrough

Deleted: ,

Formatted: Font color: Dark Red

Deleted: its designee

Deleted: its designee

Formatted: Font color: Dark Red, Strikethrough

Formatted: Font color: Dark Red

Formatted: Font color: Dark Red, Strikethrough

Formatted: Font color: Dark Red

Formatted: Font color: Dark Red, Strikethrough

Deleted: its designee

Formatted: Font color: Dark Red

Deleted: ,

Deleted: or its designee

Formatted: Font color: Auto

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions

Decision: 2019 ME 172
Docket: Cum-19-73
Argued: September 24, 2019
Decided: December 23, 2019
Revised: April 9, 2020

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN,* JABAR, and HJELM, JJ.

KENYON C. BOLTON III et al.

v.

TOWN OF SCARBOROUGH

ALEXANDER, J.

[¶1] Three years ago, we concluded that the Town of Scarborough had engaged in an unlawful and discriminatory assessment practice that violated the equal protection rights of Kenyon C. Bolton III and other plaintiffs (collectively, the Taxpayers); based on this conclusion, we remanded the matter to the Scarborough Board of Assessment Review “for a determination of the appropriate abatements” to address the inequality in tax treatment affecting the Taxpayers as a result of the discriminatory practice. *Angell Family 2012 Prouts Neck Tr. v. Town of Scarborough*, 2016 ME 152, ¶¶ 1-2, 15-21, 36,

* Although not available at oral argument, Justice Gorman participated in the development of this opinion. See M.R. App. P. 12(a)(2) (“A qualified Justice may participate in a decision even though not present at oral argument.”).

violated the statutory requirement that each parcel of real estate be assessed separately, *see* 36 M.R.S. § 708 (2018), and the constitutional requirement that real estate be assessed at its just value, *see* Me. Const. art. IX, § 8. *See Angell*, 2016 ME 152, ¶ 19, 149 A.3d 271; *Petrin*, 2016 ME 136, ¶¶ 26-29, 147 A.3d 842. We further held that because the abutting lot program violated Maine law and imposed property taxes on the Taxpayers at rates that were not imposed on similarly situated owners of lots that happened to be abutting other lots of those owners, it contravened the Taxpayers' rights to equal protection. *See Angell*, 2016 ME 152, ¶¶ 20, 36, 149 A.3d 271; *Petrin*, 2016 ME 136, ¶¶ 29-31, 45, 147 A.3d 842.

[¶5] Respecting our direction on remand that it provide the Taxpayers with appropriate abatements to address this inequality, the Board conducted hearings on the issue in early 2017. Because the Town had continued to implement the program, and most of the Taxpayers had continued to file yearly abatement requests during the intervening years between their initial requests and our decisions in 2016, the parties agreed to expand the scope of the proceedings to allow the Board to determine the appropriate abatements for

[¶7] In May 2017, after deliberating, the Board voted unanimously to adopt a written decision granting the Taxpayers eight percent abatements to their land values—exclusive of any improvements—for each year during the abatement period in which they filed abatement requests. The Board explained that because the combined value of these abatements was equal to the total amount of taxes avoided by the abutting lot program participants during the abatement period, the eight percent figure provided each Taxpayer with a proportionate share of the total benefit of the program.

[¶8] The Taxpayers appealed to the Superior Court, *see* 36 M.R.S. § 843 (2018); M.R. Civ. P. 80B, which entered a judgment vacating the Board's decision based on its conclusion that the Board's abatement formula was unreasonable because it made the percentage discount a function of the number of appealing Taxpayers. The court remanded the matter to the Board with instructions to provide the Taxpayers with abatements that would place them "in a position roughly equal to the favored abutting lot owners."

[¶9] On remand from the Superior Court, the Board held an additional hearing where the parties mostly relied on the evidence introduced in the prior proceedings. The Taxpayers continued to assert that their proposal of 31.48 percent abatements was the most appropriate way to remedy the inequality.

The Board then averaged the yearly percentage reductions, which resulted in the 14.74 percent figure.

[¶11] Once again, the Taxpayers appealed to the Superior Court. The Town also appealed to preserve its argument that the original eight percent abatements were sufficient. In January 2019, the Superior Court entered a judgment affirming the Board's decision granting the Taxpayers 14.74 percent abatements after finding that the Board's formula was rational and reasonable.³ The Superior Court's judgment being final, *see* M.R. Civ. P. 80B(n), the Taxpayers appealed to us, and the Town cross-appealed seeking reinstatement of the eight percent abatements, *see* M.R. App. 2B(c)(1), 2C(a)(2).⁴

II. LEGAL ANALYSIS

[¶12] The Taxpayers contend that the Equal Protection Clause mandates that they be extended the same discounts that were provided to participants in the abutting lot program. They assert that neither of the Board's abatement

³ The court modified the interest rate calculation in the Board's second decision, but that issue is moot in light of our conclusion that the Board's original decision provided adequate relief. *See infra* n.9.

⁴ M.R. Civ. P. 80B(m) provides that when, as here, "the Superior Court remands the case for further action or proceedings by the governmental agency, the Superior Court's decision is not a final judgment, and all issues raised on the Superior Court's review of the governmental action shall be preserved in a subsequent appeal taken from a final judgment entered on review of such governmental action."

Biddeford v. Adams, 1999 ME 49, ¶¶ 24-25, 727 A.2d 346. Thus, our standard of review encompasses the reasonableness requirement.

[¶15] The more significant effect of section 843 on our review is that it limits our ability to substitute our own judgment for that of the Board. *See So. Portland Assocs. v. City of South Portland*, 550 A.2d 363, 369 (Me. 1988) (stating that we will not intrude on the authority that 36 M.R.S. § 843(1) grants to Boards of Assessment Review by substituting our own value estimates or acting “as final-offer arbitrators” to resolve opposing figures); *see also Weekley v. Town of Scarborough*, 676 A.2d 932, 934 (Me. 1996) (holding that courts lack the authority to determine the just value of properties or “grant relief in the nature of an abatement”).

[¶16] We find no merit in the Taxpayers’ argument that we should depart from this deferential standard because the Board is “hopelessly biased” against them. The aspects of the record that the Taxpayers allege demonstrate “bias” merely show the Board members—who are not lawyers—grappling with a complicated area of the law and an equally complex set of facts.

B. Constitutional Considerations

[¶17] As discussed above, we previously determined that the abutting lot program was unlawfully discriminatory and violated the Taxpayers’ equal

imposed an impermissibly discriminatory tax retains flexibility in responding to this determination,” *McKesson Corp. v. Div. of Alcoholic Bevs. & Tobacco*, 496 U.S. 18, 39-40 (1990), because how a state “eliminates unconstitutional discrimination ‘plainly is an issue of state law,’” *Levin*, 560 U.S. at 427 (quoting *Stanton v. Stanton*, 421 U.S. 7, 17-18 (1975)). Indeed, the Supreme Court has explicitly indicated that its practice is “to abstain from deciding the remedial effects” of finding “a tax measure constitutionally infirm” to maintain “federal-state comity.” *Id.*

[¶19] The Supreme Court has said, however, that the Due Process Clause requires states “to provide meaningful backward-looking relief to rectify any unconstitutional deprivation.” *McKesson*, 496 U.S. at 31. It has also provided guideposts for determining the appropriate remedy for a discriminatory tax. In seeking to effectuate equal tax treatment, a state may (1) invalidate and withdraw the benefits from the favored class, (2) extend the benefits to the excluded class, or (3) use some other measure. *See Levin*, 560 U.S. at 426-27; *Heckler v. Mathews*, 465 U.S. 728, 740 (1984). In considering these options, it is important to remember that the Equal Protection Clause imposes no “iron rule of equal taxation” and encompasses an area of the law where it is often “impracticable and unwise to attempt to lay down any general rule or

provided by the abutting lot program. Additionally, the number of Taxpayers who sought abatements exceeded the number of property owners who received the benefit of the abutting lot program for each of the four years at issue. Thus, to extend the benefit in the manner that the Taxpayers suggest would increase by several magnitudes the negative effect of the abutting lot program on the nonappealing taxpayers, who bore the same burden of the original program as the Taxpayers.⁶ See *Williams v. Griffes*, 686 A.2d 964, 967 (Vt. 1996) (Morse, J. concurring) (a state “need not blindly sacrifice the interest of the taxpaying public to the desires of a relative few aggrieved taxpayers” when determining the appropriate remedy for a discriminatory tax scheme). To magnify rather than rectify the discriminatory effect of the program would be an inappropriate mandate under the guise of equality. Cf. *Haman v. Cty. of Humboldt*, 506 P.2d 993, 997 (Cal. 1973) (the proper remedy for discriminatory tax treatment should not increase “discrimination among other taxpayers”).

⁶ The Board supportably found that the Town lost \$395,397.90 in tax revenue over the abatement period as a result of the discounts provided by the abutting lot program. By comparison, the parties agree that providing the Taxpayers with 31.48 percent abatements to their land values would cost the Town around \$1,600,000.

could substantially compromise the municipality's capacity to provide essential services.

[¶25] What then is the proper remedy? The Supreme Court has suggested a third option: not withdrawing or extending benefits to achieve equal tax treatment, but rather using "some other measure." *Levin*, 560 U.S. at 426. The best measure of the actual disproportionality borne by the Taxpayers here is not the discounts provided by the abutting lot program but rather the effect that those discounts had on the Taxpayers. We alluded to this in our previous decisions when we said that we were remanding "for the Board to address the unlawfully discriminatory effect of the Town's abutting property program" and described that effect as the "unequal apportionment" of the municipal tax burden. *Petrin*, 2016 ME 136, ¶¶ 32-33, 45, 147 A.3d 842. We suggested then and hold now that the injury to the Taxpayers was not that their properties were over-assessed in comparison to the properties in the abutting lot program, but that they paid more than their fair share of taxes as a result of the discounts that were unlawfully provided by that program.

[¶26] The Taxpayers may be made whole by abatements that refund the difference between what they paid in taxes and what they would have paid had the properties in the abutting lot program been assessed at just value. Such a

section 8 of the Maine Constitution, which “is to equalize public burdens so that a taxpayer contributes to the entire tax burden in proportion to his [or her] share of the total value of all property subject to the tax.” *Eastler v. State Tax Assessor*, 499 A.2d 921, 924 (Me. 1985).

[¶28] Practically speaking, we recognize that there may be times when the amount of such abatements may be too insignificant to justify any individual taxpayer taking action against discriminatory tax schemes, but any remedy must also avoid unduly burdening other nonappealing taxpayers.

[¶29] The record here reflects that as a result of the Board’s original decision granting eight percent abatements, a decision recommended by the Town, the Taxpayers were collectively refunded approximately \$380,000 before any interest.⁹ This amount is more than enough to make the Taxpayers

⁹ In its first decision, the Board granted the Taxpayers interest on the abatements at a rate of seven percent from the date of overpayment pursuant to 36 M.R.S. § 506-A (2018), based upon the Town’s contention that that was the proper interest rate for overpayments. Seven percent is the interest rate that the Town used when it paid the eight percent abatements, which brought the collective amount paid to the Taxpayers to approximately \$461,000. After the Superior Court’s remand, however, the Town introduced budget orders for the years at issue showing that the correct interest rate for overpayments was actually three percent. Thus, the Taxpayers received an extra four percent in interest, which the Town acknowledges must stand if the Board’s original decision is reinstated.

There was also some dispute after the Superior Court’s remand about when the interest should begin to run. If the Town made any error in calculating when the interest began to run when it made the eight percent abatement payments, the error was rendered harmless by the extra four percent interest and the fact that the Taxpayers received more money than was necessary to make them whole.

Jonathan A. Block, Esq., Pierce Atwood LLP, Portland; John B. Shumadine, Esq., and Sage M. Friedman, Esq., Murray Plumb & Murray, Portland; and William H. Dale, Esq. (orally), Jensen Baird Gardner & Henry, Portland, for appellants Kenyon C. Bolton III et al.

Michael A. Hodgins, Esq. (orally), Eaton Peabody, Bangor, and Zachary B. Brandwein, Esq., Bernstein Shur, Portland, for cross-appellant Town of Scarborough

Cumberland County Superior Court docket numbers AP-2018-24, AP-2018-26, AP-2018-30, and AP-2018-31

FOR CLERK REFERENCE ONLY

Court finds Scarborough tax breaks for adjacent lots illegal

 pressherald.com/2016/08/17/maines-high-court-finds-scarborough-tax-breaks-for-adjacent-lots-illegal/

By Kelley Bouchard

August 17, 2016



A little-known but widespread practice of giving property tax breaks to homeowners for adjacent lots they also own is illegal, the Maine Supreme Judicial Court decided Tuesday.

The justices reviewed the outcome of a 2014 superior court appeal filed by 34 residents of Scarborough's seaside neighborhoods, who had been denied abatements after being assessed property tax increases they said were discriminatory and unconstitutional.

The landowners lost their initial claim that the former town assessor discriminated against them when he increased most waterfront land values in 2012. Some of their neighbors, however, were immune to the full impact of the increase because they owned adjacent lots that were considered "excess land" for assessment purposes.

The practice, which has been permitted by state officials, led to assessment reductions ranging from a few thousand dollars on inland parcels to a few million on waterfront properties.

On Tuesday, the state supreme court found that the practice of randomly undervaluing adjacent lots upon request violates the constitutional requirement for equal taxation and state laws that call for each lot to be assessed separately and at just value.

scarborough maine

© 2023

Certificate of Lot Merger (Page 1)

(Please type or print legibly in black ink)

The undersigned applicant requests that the Town of South Berwick, Maine, hereby merge the following parcels of land for the purposes of being assessed and treated for regulatory purposes as a single tract or parcel of land:

Name of record owner(s) (must be identical for all lots consolidated): _____

Mailing address of owners(s): _____

The following existing parcels are to be consolidated into a single parcel:

Map #	Lot #	Property Location	Plan #	Book	Page	Deed References
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

(Attach additional sheet if necessary)

It is a condition of this lot merger that, ~~in consideration of the tax benefits achieved by merging the lots or parcels,~~ the owners agree that the merged lots or parcels shall thereafter be considered a single lot for all purposes under the Town's land use ordinances and that the owners waive any rights to divide the merged lot, separately convey any portion of the merged lot or separately develop any portion of the merged lot unless such division, conveyance or development meets all applicable requirements of the Town's land use ordinances at the time it occurs. The owners understand that the merged lot will continue to be assessed at just value.

By signing below, the applicant agrees (i) that upon approval, a copy of this agreement shall be recorded in the York County Registry of Deeds, and (ii) subsequent to the approval of this agreement, the owner(s) shall not separately convey or encumber any of the previously existing parcels. Any attempt to separately convey or development any parcel or part of a parcel submitted hereunder shall require compliance with all applicable Town land use ordinances at the time it occurs.

Witness our hands this ____ day of _____, 20____.

Witness _____

Owner's Signature _____

Print Name _____

Owner's Signature _____

Print Name _____

STATE OF MAINE
COUNTY OF YORK, ss

Date

Personally appeared the above named _____
and acknowledged the foregoing instrument to be his/her free act and deed.

Before me, _____
Notary Public/Attorney at Law

**South Berwick
Town Council Meeting
September 12, 2023**

Chair Mallory Cook called the meeting to order at 6:16pm. Councilors present included John James, Jeff Minihan, Jessica Cyr, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance.

Executive Session

1. On a motion by Mr. James, seconded by Mrs. Costella, it was unanimously voted to enter executive session at 6:16pm, pursuant to 1MRSA §405.6A to conduct an interview with a potential planning board member.

On a motion by Mr. James, seconded by Mrs. Costella, it was unanimously voted to end the executive session at 6:34pm.

Approval of Minutes

1. Town Council 08-22-23: On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to sign the warrant dated September 7, 2023, in the amount of \$1,658,809.94. This includes the monthly school payment.

Reports & Presentations

1. We have received two quotes for the Downtown Revitalization Plan RFP. Staff has requested that 2 council members be part of the selection committee to award the bid.

2. Staff met with MDOT and SMPDC staff to discuss the traffic study update and the next steps. We do not need a conceptual design; MDOT has agreed that the Sebago Technics Report meets the criteria. The MDOT funding may be pushed up from FY26 to FY24; and the town would be responsible for a 20% match, about \$100,000. This process ensures that the MDOT is the project manager overseeing the RFP.

Public Comment

1. Brad Christo, Oldfields Rd, read a letter regarding the Building Committee. He expressed his displeasure at the lack of the Council to involve the Building Committee in the 'town hall' process. Why was the Building Committee not included at the beginning of this project?

Unfinished Business

1. The Council reviewed and discussed the final report from Port City Architecture regarding the town hall. On a motion by Mr. James, seconded by Ms. Cyr, it was unanimously voted to adopt the final report from Port City Architecture, as presented.

New Business

1. On a motion by Mr. James, seconded by Mrs. Costella, it was unanimously voted to table the consideration of a planning board appointment until the next meeting.

2. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to hold a public hearing on Tuesday, September 26, 2023, at 6:30pm to receive input on the annual General Assistance Ordinance updates.

3. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to hold a public hearing on Tuesday, September 26, 2023, at 6:35pm to receive input on the proposed changes to Chapter A142, Assessors Lot Merger Policy.

4. The Council discussed the recommendations from the Planning Board to make ordinance changes based on new state legislation, LD2003 (additional dwelling units).

Consensus was to hold a workshop with the Planning Board on Wednesday, October 25, 2023, at 6:30pm to discuss the ordinance changes regarding LD2003. Mr. Minihan expressed his concerns with the proposed language.

5. The Council discussed the need to replace the 2005 F250 used for recreation and public works. Repair costs are over \$14,000. It is recommended that a new or used truck be purchased to replace it.

Mr. James made a motion to reallocate up to \$40,000 in the Highway CIP account to be used to purchase a replacement truck for parks & recreation. Mr. Minihan seconded. After a brief discussion, the motion failed 1-4 (Mr. Minihan in favor).

On a motion by Mr. James, seconded by Mrs. Costella, it was unanimously voted to reallocate up to \$58,000 in the Highway CIP account to be used to purchase a replacement truck for Parks and Recreation.

Town Manager's Report

-Economic Development: MDOT is in support of our downtown traffic project. Working on the formation of the downtown business alliance and the newly approved façade grant program. Continue to research grant opportunities for various departments.

-Town Clerk: Have issued close to 2400 transfer station permits so far. Continue to work on 'manuals' for the next clerk. The office will be closed on Tuesday the 12th so staff can attend the annual Town and City Clerk Association Networking Day and Business Meeting.

-Library: Maureen got married over Labor Day weekend. Have begun working on programs for Halloween and Fairy Houses. Asked about getting the building washed. Discussed how to handle unsolicited items being left on the porch at the library.

-Recreation: Senior and youth programs are being well attended. Soccer has started; we have 22 teams. Have been receiving a lot of calls about renting space at the Community Center.

-Assessing: Valuation reports are now available online. Working on the 2023 valuation report for the state. Reviewing tree growth. Tyanne and Britney are very helpful in the office.

-Code/Planning: Have issued 1 building permit, conducted 26 inspections, and issued 4 occupancy permits. The Planning Board is moving ahead with a public hearing for combining the I1 and I2 zones into one, more customer friendly zone.

-Transfer Station: Traffic is down but steady. Expenses for disposals are still covering expenses. Will be on vacation next week.

-Highway: FEMA clean-up is done. Final paving on Park and Pleasant is complete. Continue to work on ditching and mowing. Prepping to remove the old salt shed. The red barn will be demolished on October 2nd.

-HR/Taxes: Heather has been on vacation. She thanked everyone for helping with her work.

-Fire: Attended 27 calls. Had numerous calls regarding down trees and limbs during Friday's storm. Getting ready for Fire Prevention Week in October. Will have one last training session at the red barn before it gets demolished.

-Police: The Chief's and Detective's cars are back in service. Will be helping in the 2nd part of a Make-A-Wish for a child, by providing an escort to the turnpike (for his trip to the Portland Jet Port, heading to Disney). Officer Legendre is half-way through his academy training. The Pumpkin Man Triathlon went well. Motor vehicle stops are up, crashes are down.

-Finance: Prepping for the annual audit. Worked with Firefly Media on the video of town hall. Working on quotes for the elevator and windows.

-Admin: Safety Committee meetings are mandatory for assigned staff. Preparing for an upsurge in the flu and Covid. Department heads are responsible for keeping their staff informed.

-It is the 22nd anniversary of the terror attacks on our country. We should all be mindful.

Councilor Comments

1. Mr. James:

-Commended the public's work crew for their efforts.

-Thank you to everyone that helped after the wind took down a lot of the tents for the Pumpkin man Triathlon. After the storm passed, a lot of people showed up to help clean-up after.

Adjournment

On a motion by Mr. James, seconded by Mrs. Cook, it was unanimously voted to adjourn the meeting at 7:45pm.

Attest:

Barbara Bennett, CCM

The Clerk was not present at the meeting. These minutes were written by the Clerk after viewing the recording of the meeting.

Draft

**South Berwick Town Council
Public Hearing
Traffic change options
September 19, 2023**

Chair Mallory Cook opened the hearing at 6:00pm. Councilors present included John James, Jessica Cyr, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance. Jeffrey Minihan participated by Zoom.

The purpose of the hearing was to receive public comment on the recommended traffic changes, as submitted in the Sebago Technics Traffic Study, that include traffic lights at Main & Portland St and Main & Route 236, roundabouts at Main & Portland St and Main & Route 236 or do nothing.

The public audience consisted of 18 in person and 7 by zoom.

Chair Cook gave a brief overview of the process to date. She covered the history of 17 prior traffic studies in town, Sebago Technics' recommendations for changes, and the potential long-term improvements if signal lights are installed. The MDOT is in full support of the project and has moved it up on their calendar for both funding and construction. The Town's estimated cost will be 20% of the total project, estimated at \$500,000. Our costs would be taken from the TIF account, not creating a tax increase.

-Elita Galvin, Beaver Dam Rd, thanked the Council for finally tackling the issue. She did express her concerns about having two signal lights if they are not properly programmed. She also commented that 'cut-thru' neighborhoods could see an increase in traffic because of people wanting to avoid the lights.

-David Bradley, Emerys Bridge Rd, read a letter expressing his concerns about making traffic changes downtown. (The letter is attached to the minutes in the official book.) He added that constructing rotaries or erecting signal lights will change the downtown forever.

-Brett Cropp, Liberty St, stated that he was in favor of lights. He expressed his concerns about traffic in the 'cut-thru' neighborhoods. Speed bumps and bump-outs could be used to help calm traffic. Mr. Cropp also suggested that the Council consider establishing a Transportation Committee to help monitor the issues.

-Cliff Cleary, Spillane's Hill, stated that we do need to make sure we preserve downtown business parking. "Hope it works."

-James Howell, Quarry Dr, asked that the Council take into consideration the effect any changes will have on various neighborhoods. Roundabouts won't work because of the large trucks that come through town. "No change is unacceptable."

Councilors noted that they were surprised at the extremely low turnout for the hearing. Email comments will be accepted until September 25th. The Council will consider action at the next meeting on the 26th.

The hearing was closed at 6:25pm.

Attest:

Barbara Bennett, CCM

A / P Warrant

South Berwick
11:53 AM

Bank: KENNEBUNK - Operating

09/20/2023
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	47145	22,860.03	09/11/23	18	0132 BUREAU OF MOTOR VEHICLES
P	47146	24,967.90	09/11/23	18	0132 BUREAU OF MOTOR VEHICLES
P	47147	369.68	09/11/23	18	1176 TREASURER STATE OF MAINE
P	47148	22,647.62	09/15/23	18	0132 BUREAU OF MOTOR VEHICLES
R	47149	620.00	09/20/23	18	1281 A3 COMMUNICATIONS
R	47150	1,190.99	09/20/23	18	0042 ADMIRAL FIRE & SAFETY
R	47151	59.27	09/20/23	18	0103 ASHLINE, KERA
R	47152	1,245.69	09/20/23	18	0771 ATLANTIC FUELS
R	47153	23.64	09/20/23	18	0054 BAKER & TAYLOR
R	47154	33,600.00	09/20/23	18	1212 BC FORESTRY LLC
R	47155	319.33	09/20/23	18	0686 Beaugard Equipment, INC.
R	47156	107,250.00	09/20/23	18	0331 BNY MELLON
R	47157	7,295.00	09/20/23	18	0018 BURKE'S TREE SERVICE LLC
R	47158	2,177.86	09/20/23	18	0182 CARD MEMBER SERVICE
R	47159	23.68	09/20/23	18	1150 CHAPPELL TRACTOR
R	47160	367.80	09/20/23	18	1158 CINTAS CORP
R	47161	4,235.25	09/20/23	18	0540 CIVIL CONSULTANTS
R	47162	27.42	09/20/23	18	1223 CLAVETTE, DENISE
R	47163	100.00	09/20/23	18	0687 Colony Used Auto Parts
R	47164	1.50	09/20/23	18	0364 COMMONWEALTH OF MASSACHUSETTS
R	47165	39.32	09/20/23	18	0064 CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC.
R	47166	200.00	09/20/23	18	1121 CONVENIENTMD LLC
R	47167	774.00	09/20/23	18	0535 D.M. BURNS SECURITY INC.
R	47168	21,000.00	09/20/23	18	0107 DOUCETTE EXCAVATING
R	47169	79.50	09/20/23	18	0069 ELIMINATOR INC
R	47170	7.20	09/20/23	18	0164 FASTENER WAREHOUSE
R	47171	488.04	09/20/23	18	0056 FISHER AUTO PARTS, INC.
R	47172	3,591.25	09/20/23	18	1128 GREAT EAST CRUSHING
R	47173	184.31	09/20/23	18	0867 HANNAFORD
R	47174	2,800.00	09/20/23	18	0077 HUSSEY EXCAVATION INC
R	47175	660.00	09/20/23	18	0209 HUSSEY SEPTIC
R	47176	1,037.56	09/20/23	18	1245 INGRAM LIBRARY SERVICES
R	47177	897.78	09/20/23	18	0934 J&D POWER EQUIPMENT, INC
R	47178	61.23	09/20/23	18	0699 JANELLE , JENNIFER
R	47179	100.00	09/20/23	18	1095 LEXISNEXIS RISK SOLUTIONS
R	47180	6,924.28	09/20/23	18	0141 MAINE MUNICIPAL ASSOCIATION
R	47181	356.50	09/20/23	18	0082 MAINE RESOURCE RECOVERY
R	47182	1,330.00	09/20/23	18	0590 MAINE STATE LIBRARY
R	47183	327.50	09/20/23	18	0595 MAINE TREASURER
R	47184	35.80	09/20/23	18	0081 MAINE TURNPIKE AUTHORITY
R	47185	775.00	09/20/23	18	0228 MBW TRACTOR SALES
R	47186	299.88	09/20/23	18	1278 MMEHT
R	47187	297.96	09/20/23	18	1061 NEGM ELECTRIC, LLC
R	47188	3,080.13	09/20/23	18	0650 NEW ENGLAND BARRICADE CO
R	47189	4.75	09/20/23	18	0128 NH EZ-PASS CSC
R	47190	100.00	09/20/23	18	0253 NORTHEAST REDI MIX LLC
R	47191	119.99	09/20/23	18	0944 O'REILLY FIRST CALL
R	47192	10.16	09/20/23	18	1283 PARIS PUBLIC LIBRARY

South Berwick
11:53 AM

A / P Warrant

Bank: KENNEBUNK - Operating

09/20/2023
Page 2

Type	Check	Amount	Date	Wrnt	Payee
R	47193	2,426.07	09/20/23	18	1282 PERKINS THOMPSON
R	47194	141.10	09/20/23	18	0089 PIKE INDUSTRIES INC
R	47195	811.14	09/20/23	18	0915 PINE STATE ELEVATOR COMPANY
R	47196	19,403.62	09/20/23	18	0572 PINE TREE WASTE, INC
R	47197	9,714.60	09/20/23	18	1234 PORT CITY ARCHITECTURE
R	47198	296.22	09/20/23	18	0232 QUILL CORPORATION
R	47199	179.99	09/20/23	18	0252 REDS SHOE BARN
R	47200	105.81	09/20/23	18	1284 SCHOOL SPECIALTY LLC
R	47201	500.00	09/20/23	18	0262 SEACOAST SHIPYARD ASSOCIATION
R	47202	640.00	09/20/23	18	0090 SHOEM CORP
R	47203	278.80	09/20/23	18	0184 SOUTH BERWICK SEWER DISTRICT
R	47204	8,439.59	09/20/23	18	0195 SOUTHERN MAINE PLANNING & DEVELOPMENT, INC
R	47205	2,930.00	09/20/23	18	1147 SPORTS FIELDS INC.
R	47206	50.97	09/20/23	18	0936 STAPLES-LIBRARY ACCOUNT
R	47207	7,106.73	09/20/23	18	0095 STELLAR NETWORKS
R	47208	1,885.00	09/20/23	18	1057 TOP OF THE LINE PAVING
R	47209	45.00	09/20/23	18	0594 TREASURER STATE OF MAINE
R	47210	40.00	09/20/23	18	1105 TREASURER, STATE OF MAINE
R	47211	7,770.87	09/20/23	18	0149 TRITECH SOFTWARE SYSTEMS
R	47212	128.95	09/20/23	18	1025 VASAPOLI, TYANNE
R	47213	680.22	09/20/23	18	0097 VERIZON WIRELESS
R	47214	171.04	09/20/23	18	1089 VILLAGE MOTORS
R	47215	1,954.69	09/20/23	18	0100 WEX BANK
R	47216	193.99	09/20/23	18	1063 WHITE CAP L.P

Total 340,859.20

Count

Checks	72
Voids	0

Melissa Costella _____

John James _____

Jeff Minihan _____

Jessica Cyr _____

Mallory Cook _____

APPROVED _____

DATE _____

TOWN MANAGER _____

Downtown Revitalization & Action Plan

Town of South Berwick, Maine

September 26, 2023

Jeff Preble, PE

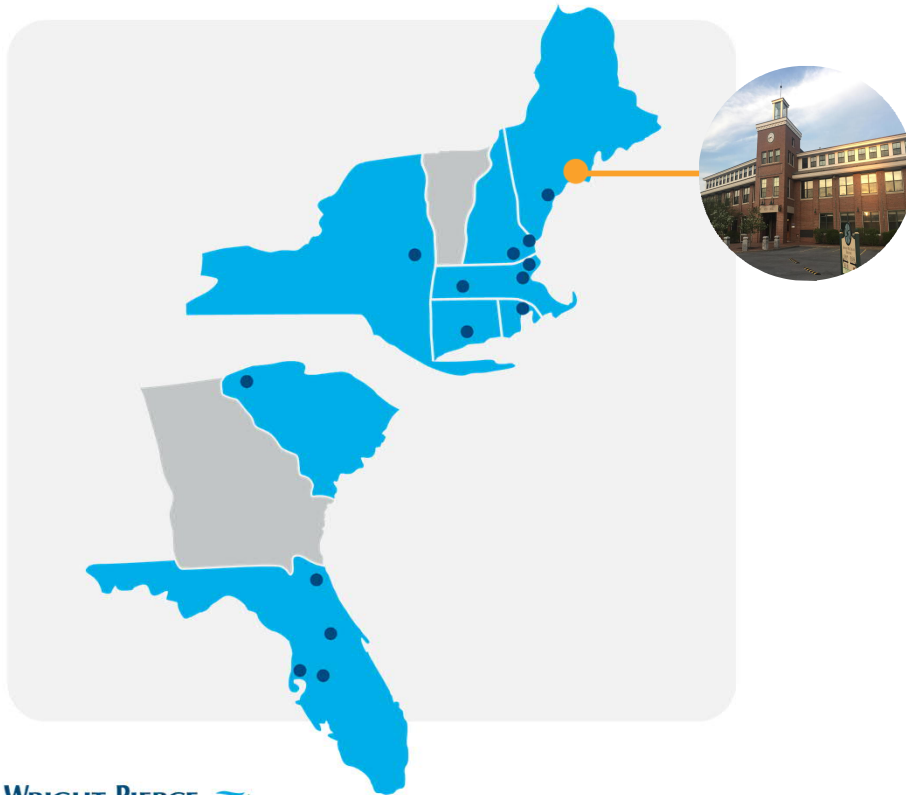


WRIGHT-PIERCE 
Engineering a Better Environment

Presentation Overview

Company Overview
Downtown Plan Experience
Key Issues
Planning Process & Goals
Engage the Public
Opportunities
Questions & Comments

Who We Are – Firm Overview



Established
in 1947



300+
Employees

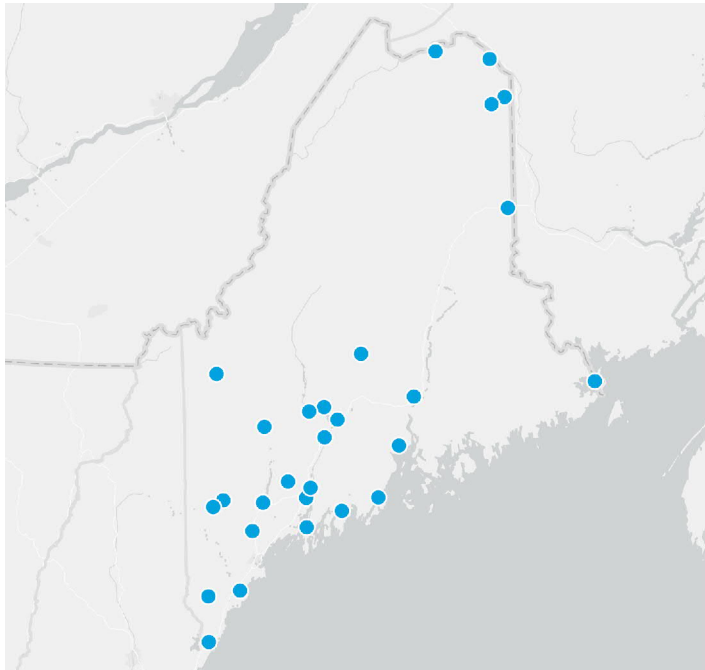


Comprehensive
Services



Award
winning

Downtown Planning Experience



Downtown Planning Experience



Key Issues

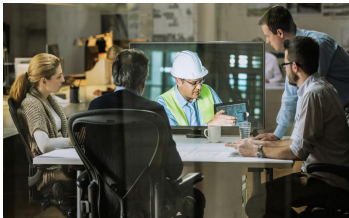


- Public input
- Funding opportunities
- Historic character
- Pedestrian Connectivity
- ADA accessibility
- Downtown parking
- Building facades



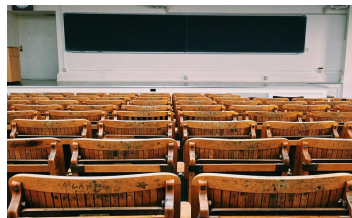
- Creating the South Berwick brand
- Creating a vibrant downtown

Downtown Revitalization Action Plan – Process



Kickoff Meeting

- October target date
- Downtown advisory committee
- Strengths/weaknesses
- Key stakeholders



Public Workshops

- Workshops – October 2023, February 2024, June 2024
- Questionnaire
- Top 3 key issues



Concept Plans & Report

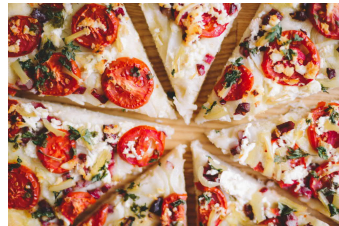
- Draft plan presentation – July 2024
- Final plan presentation
- Final report
- Completion date – September 2024

Downtown Revitalization Plan Goals

- 1 Develop a Publicly Supported Consensus Vision for the Downtown
- 2 Develop a Prioritized Action Plan to meet the Community needs through a planned approach
- 3 Incorporate Maine DECD and Maine Downtown Center concepts
- 4 Position Town for future funding opportunities (Maine DOT)

Engaging Public Comment

- Social Media Outlets
- Town Website
- Area Businesses
- Local Civic Organizations




Town of South Berwick
Downtown Revitalization Action Plan
PUBLIC WORKSHOP

Thursday, October xx, 2023
6:00 pm at the South Berwick Community Center

RESIDENTS AND BUSINESS OWNERS ARE URGED TO PARTICIPATE
 IN THIS IMPORTANT COMMUNITY MEETING TO DEVELOP GOALS & ACTION
 ITEMS FOR REVITALIZATION OF THE DOWNTOWN AREA.
YOUR INPUT IS NEEDED

LIGHT REFRESHMENTS WILL BE PROVIDED. PLEASE JOIN US!
 6:00-8:00 pm Community Forum



**Help shape the vision for the future of the
 South Berwick Downtown area!**

For more information, contact:
 Denise Clavette, Economic Development Director at 384-3005
dclavette@sbmaine.us

Opportunities



Questions/Comments



THANK YOU

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 9/26/2023	Reports 2
Agenda Item: Summer Road Work Update	
Informational:	
Park Street, Completed for \$70,000 Winding Brook, Completed for \$74,000 Boyd's Corner Road: Mill and Fill to be done \$116,000 for Approx 1 mile. Railroad Ave & Front Street: Shim and Overlay to be done \$45,000 Demers Street: Shim and Overlay for \$22,000	
Town Manager's Recommendation:	
Requested Action:	
N/A, Informational Only	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 9/26/2023	Report #3
Agenda Item: Town Hall, Water Damage from Last Storm	
Informational:	
Tuesday after the heavy rains, we found multiple places wet inside the Town Hall. Front Lobby by both doors, Front Entrance, Code Enforcement office, Finance office, Clerk's Office, and the 3 rd floor Auditorium. Pictures are attached.	
Town Manager's Recommendation:	
Just an FYI	
Requested Action:	
Vote	



Front Entry Way, has the worst leak, with a bowing ceiling tile.



Code Enforcement Office has an active leak.



Clerk's Office, has an active leak.



The Finance Office has an active leak.



Back, Main entrance by automatic door has an active leak, the corner bead is rusty showing this has been an on going problem.



Back, Main entrance door also showing active water leak.



3rd Floor Auditorium, active leak this one is now turning black.



TOWN OF SOUTH BERWICK
BOARD/COMMITTEE APPLICATION

Committee desired: Planning Board

PERSONAL INFORMATION

Name: Elizabeth (Betty) Ware

Date: 8/2/2023

Address: 2122 Witzhfrat Rd

email: emacyware262

South Berwick, ME 03908

@gmail.com

Telephone: (home) _____ (work) NA

(cell) 978 879-8159

BUSINESS/EDUCATIONAL BACKGROUND

(You may attach a resume if you prefer, please be specific)

Resume to be sent via email to
Tim Pelletier & CEO

MUNICIPAL OFFICES HELD or PREVIOUS BOARD EXPERIENCE

(In South Berwick or elsewhere)

Board/Committee	Appointment Date	Term Expiration
<u>Newburyport</u>		
<u>Planning Board</u>	<u>1992 or 1993</u>	<u>1995</u>
<u>Traffic & Parking Committee</u>	<u>1996 ish</u>	<u>10 years</u>

PLEASE LIST TWO OR THREE NEW IDEAS YOU WOULD LIKE THIS COMMITTEE TO CONSIDER.

- Comprehensive plan
- economic development - downtown & on 238
- historic property protection

PLEASE INDICATE ANY SPECIAL QUALIFICATIONS OR EXPERIENCE THAT YOU THINK MAY BE HELPFUL TO THIS COMMITTEE.

land planner for 40 years
preservation planner - 30+ years

COMMITMENT LEVEL

Are you available to commit to this committee for a minimum of three years?

yes

Number of hours you are able to commit to this committee/board per week:

10

Elizabeth M Ware

Applicant's signature

FROM THE DESK OF

Aaron Rouse

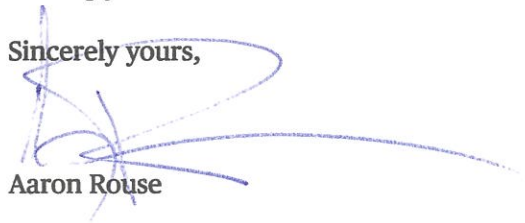
September 19, 2023

Dear Members of the South Berwick Town Council,

I am writing you today to respectfully request you consider my application for the open position for a permanent position on the Town Planning Board. I have been serving on the board as an Alternate since May 9th of this year and feel that my input and knowledge are a good fit for the position. I would like to serve in a capacity that would be of upmost use to the Board and to the town of South Berwick by becoming a permanent member of the Board.

Please let me know if you have any questions. I look forward to the opportunity to serve my neighbors at this critical junction as South Berwick grows and changes in the coming years.

Sincerely yours,



Aaron Rouse

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: September 26, 2023	UB #2
Agenda Item: Route 236 / Downtown Traffic Signals and Improvements Project.	
Staff Recommendation: Staff recommends that the Town Council move forward with the Route 236 / Downtown Traffic Signals and Improvements Project Preliminary Design Report, to be funded by SMPDC/KACTS, with a 10% match from the Town of South Berwick.	
Town Manager's Recommendation:	
Recommend that the Town Council move forward with the Route 236 / Downtown Traffic Signals and Improvements Project Preliminary Design Report, to be funded by SMPDC/KACTS; and to accept the funding amount of up to \$520,000; and commit to a 10% match from the Town of South Berwick in the amount of \$52,000.	
Requested Action:	
Motion: Move that the Town Council authorizes the Town Manager to move forward with the Route 236 / Downtown Traffic Signals and Improvements Project Preliminary Design Report, to be funded by SMPDC/KACTS; and to accept the funding amount of up to \$520,000; and commit to a 10% match from the Town of South Berwick in the amount up to \$52,000 to be funded out of the Punkintown TIF.	
Vote	

KACTS

Kittery Area Comprehensive Transportation System

The Metropolitan Planning
Organization (MPO) for the
Kittery Urbanized Area

Maximizing opportunities to enhance the movement of goods and people through the Gateway to Maine

September 20, 2023

KACTS MEMBERS

Berwick

Eliot

Kittery

South Berwick

York

Maine Turnpike
Authority

MaineDOT

Southern Maine
PDC

Public
Transportation
Providers

Darryl Belz
Statewide Planning Engineer
Maine Dept of Transportation
16 State House Station
Augusta ME 04333-0016

Darryl,

At its meeting on September 20, 2023, the KACTS Policy Committee approved the following for its Calendar Year 2026 funding allocation. The figures include State and local match:

- Town of South Berwick- from the southerly intersection with Route 4 to the northerly intersection with Route 4 (Portland Street)- \$520,000 (\$52,000 for 10% local match) to fund Preliminary engineering and ROW through the PDR stage.

Please work with others at MaineDOT and take the necessary steps to transfer the funding and feel free to give me a call or email if you have any questions or need more information.

Thank you.

Sincerely,



Stephanie Carver
SMPDC/KACTS Transportation Director

Cc: Steve, Cole, MaineDOT
Denise Clavette, Town of South Berwick

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: September 26, 2023	NB #1
Agenda Item: Adopt General Assistance Ordinance and Updated Appendices	
Department Head Recommendation: Dawn Moreau	
<p>The State has published the updated Appendices for General Assistance. This is a housekeeping item; the Council is required by State Law to adopt the Ordinance and the Appendices each year.</p> <p>Appendix A: Overall Maximums for income have increased. (Approximately 7%)</p> <p>Appendix B: Food Maximums have increased. (Approximately 3.5%)</p> <p>Appendix C: Housing Maximums have increased. (Approximately 7%)</p> <p>Appendix D: Utilities Maximums have stayed the same.</p> <p>Appendix E: Heating Fuel Maximums have remained the same. (Figured by gallons not dollar amount)</p> <p>Appendix F: Personal Care & Household Supplies have remained the same.</p> <p>Appendix G: Mileage Rate- State of Maine travel expense reimbursement rate as set by the Office of the State Comptroller. (.46 per mile)</p> <p>Appendix H: Burials and Cremations have stayed the same.</p> <p>2022-2023 GA Housing Maximums for Recovery Residences have increased. (Approximately 7.5%)</p>	
Town Manager's Recommendation	
Motion to adopt Ordinance and Appendices.	
Requested Action	
Motion to adopt the MMA General Assistance Ordinance and the updated Appendices: A-H and GA Housing Maximums for Recovery Residences effective October 1, 2023.	
Vote	

[For use when adopting **updated appendices only** without amending the body of an existing GA ordinance]

MUNICIPALITY OF South Berwick
GENERAL ASSISTANCE ORDINANCE

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Municipality of

South Berwick, after notice and hearing, hereby amend the municipal General

Assistance Ordinance by repealing and replacing appendices A through H of the existing

ordinance with the attached appendices A through H, which shall be in effect from October 1,

2023 through September 30, 2024. This amendment will be filed with the Maine Department of

Health & Human Services (DHHS) pursuant to 22 M.R.S. § 4305(4), and a copy of the ordinance

and amended appendices shall be available for public inspection at the municipal office along with

a copy of the 22 M.R.S. chapter 1161.

Signed this 26 day of September, 2023, by the municipal officers:

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

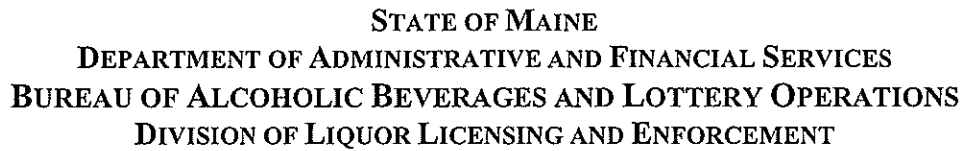
(Print Name)

(Signature)

[Please send a copy of the enactment page only to DHHS, 109 Capitol Street, SHS 11, Augusta, ME 04330-0011]

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 26, 2023	NB #2
Subject: Stage House Inn liquor license & special amusement permit	
Information:	
The Stage House Inn's current liquor license expires October 4th.	
Staff Comments/Recommendation:	
There have been no issues reported.	
Requested Action:	
Motion to approve the renewal of The Stage Houe Inn's liquor license and special amusement permit.	
Vote:	



All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

Legal Business Entity Applicant Name (corporation, LLC): Great Works Properties, Inc.	Business Name (D/B/A): Stage House Inn
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 224 Main St., South Berwick, ME 03908
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: PO Box 257, South Berwick, ME 03908
Mailing address, if different from DBA address: PO Box 354, South Berwick, ME 03908	Email Address: gwp@gwi.net
Telephone # Fax #: 207-384-5283	Business Telephone # Fax #: 207-384-5283
Federal Tax Identification Number: 01-0477433	Maine Seller Certificate # or Sales Tax #: 1207671
Retail Beverage Alcohol Dealers Permit:	Website address: www.stagehouseinn.com

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 10/04/2023
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
 Food: \$ 639,328.00 Beer, Wine or Spirits: \$ 324,922.00 Guest Rooms: \$ 514,639.00
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input checked="" type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

310 Portland St., Berwick, ME 03901

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☒ Yes ☐ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☐ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Outlook Farm Golf Club, LLC	GC-2000-5885	310 Portland St., South Berwick, ME 03901

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
James J. Flynn	11/14/1966	Rochester, NH
Gary A. Loiselle	04/16/1983	Rochester, NH
Chelsea M. Johnson	07/02/1979	Hartford, CT

Residence address on all the above for previous 5 years

Name	Address:
James J. Flynn	36 Vaughans Lane, South Berwick, ME & 169 Main St., South Berwick, ME 03908
Name	Address:
Gary A. Loiselle	83 Main St., South Berwick, ME 03908
Name	Address:
Chelsea M. Johnson	73 Smithwheel Rd, Old Orchard Beach, ME 04064 & 25 Baltimore St. Lynn MA 01902
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 20.00

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

20 Guest Rooms, Bar, Restaurant, Function Room, Patio & Front Porch

20. 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?

Name: Seacoast Christian School

Distance: 0.08

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

*Please sign and date in **blue ink**.*

Dated: 9 - 8 - 23


Signature of Duly Authorized Person

John Flynn
Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises 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.

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.

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-premises license or transfer of the location of an existing on-premises 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-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

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;

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;

C. Conditions of record such as waste disposal violations, health or safety violations 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;

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;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

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. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. 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 of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. 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.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<u>Class of License</u>	<u>Type of liquor/Establishments included</u>	<u>Fee</u>
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

SPECIAL AMUSEMENT PERMIT APPLICATION

AS DEFINED IN SECTION 201 OF THE TOWN OF SOUTH BERWICK SPECIAL AMUSEMENT ORDINANCE, NO LICENSEE FOR THE SALE OF LIQUOR TO BE CONSUMED ON HIS LICENSED PREMISES SHALL PERMIT, ON HIS LICENSED PREMISES, ANY MUSIC, EXCEPT RADIO OR OTHER MECHANICAL DEVICE, ANY DANCING OR ENTERTAINMENT OF ANY SORT UNLESS THE LICENSEE SHALL HAVE FIRST OBTAINED FROM THE MUNICIPALITY IN WHICH THE LICENSED PREMISES ARE SITUATED A SPECIAL AMUSEMENT PERMIT SIGNED BY AT LEAST A MAJORITY OF THE MUNICIPAL OFFICERS.

YOUR APPLICATION FOR A SPECIAL AMUSEMENT PERMIT SHOULD BE FILED ON THIS FORM WITH THE TOWN COUNCIL OR ITS DESIGNATED AGENT. PAYMENT OF A \$35 FEE IS REQUIRED AT THE TIME THE APPLICATION IS FILED. A COPY OF THE SPECIAL AMUSEMENT PERMIT ORDINANCE IS AVAILABLE UPON REQUEST FROM THE SOUTH BERWICK TOWN CLERK.

THE TOWN COUNCIL SHALL, PRIOR TO GRANTING A PERMIT, HOLD A PUBLIC HEARING WITHIN 30 DAYS OF THE DATE YOU FILE YOUR COMPLETED APPLICATION AT WHICH TIME TESTIMONY WILL BE RECEIVED FROM YOU OR YOUR DESIGNATED AGENT AND/OR ANY INTERESTED MEMBER OF THE PUBLIC. FAILURE TO ATTEND THE PUBLIC HEARING MAY RESULT IN A DELAY IN ISSUING THE PERMIT.

* * * * *

Name of Applicant for Permit: Great Works Properties / Stage House Inn / DeFour

Address of Applicant: 310 Portland Street

Telephone # of Applicant: 207-384-5283

Name of Business to be Conducted: _____

Address of Business: _____

Telephone # of Business: _____

Nature of Business: Music Inn / Restaurant

Is Business a Corporation, Partnership or Proprietorship? (Circle One)

Type of Entertainment Planned: Music

Has Applicant ever had a license to conduct the Business described herein denied or revoked or has Applicant or any partner or corporate officer ever been convicted of a felony? No

If yes, please provide full details on reverse side of this Application.

Current Liquor License #: _____

Signature A J H Date 9-14-23

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 26, 2023	NB #3
Agenda Item: Downtown Revitalization Plan	
Staff Recommendation: The Downtown Revitalization Plan RFP review committee met September 19, interviewed 2 firms: IOV Consulting and Planning, and Wright Pierce. After reviewing the RFP submissions and discussing the interviews, the committee recommends by a 6/1 vote that Wright Pierce be awarded the contract to develop the Downtown Revitalization Plan. (See attached RFP submission)	
Town Manager's Recommendation:	
Recommend that the Town Council award the Downtown Revitalization Plan contract be awarded to Wright Pierce.	
Requested Action:	
Motion: The Town Council authorizes the Town Manager to award the contract to Wright Pierce for the Downtown Revitalization Plan in the amount of \$29,970, to be funded from the Punkintown TIF District.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 26, 2023	NB #4
Subject: Warrant for Municipal Election on November 7th	
Information:	
Staff Comments/Recommendation:	
Requested Action:	
Motion/vote to sign warrant calling the municipal election on November 7th.	
Vote:	

**TOWN OF SOUTH BERWICK, MAINE
MUNICIPAL ELECTION WARRANT
NOVEMBER 7, 2023**

State of Maine

County of York, ss.

To: Linda Wozny, resident of South Berwick

Greetings:

In the name of the Town of South Berwick, you are hereby required to notify the inhabitants of said Town, qualified to vote in Town affairs to assemble at the R. P. Gagnon Assembly Hall, third floor of the Town Hall at 180 Main Street, South Berwick, on Tuesday, the 7th day of November 2023 at 8:00 o'clock in the forenoon, then and there, to act on the following articles:

ARTICLE 1: To elect a moderator to preside at said meeting.

ARTICLE 2: To elect two Town Council members, for a three-year term each and one member of the Board of Directors of School Administrative District #35, for a three-year term.

The polls for voting on Article 2 by secret ballot will be opened at 8am and will be closed at 8pm. Absentee ballots will be processed on Wednesday November 1st, Friday November 3rd, Saturday, November 4th, Monday November 6th and on Election Day at 9am, 10am, 11am, noon, 2pm, 3pm, 4pm, 5pm, 6pm, 7pm, and 8pm as necessary.

The Registrar of Voters will hold office hours while the polls are open to correct any errors on the voting list or change a name or address, and to accept new enrollments. A person not registered as a voter may not vote in any election.

Given under our hands this 26th day of September 2023.

Mallory Cook

John James

Jeffrey Minihan

Melissa Costella

Jessica Cyr