

AGENDA

ITEM

5. a.

**TOWN OF CLINTON
BOARD OF SELECTMEN**

**MEMBERS: Jeffrey Towne, Chairman; Stephen Hatch, Randy Clark,
Chester Nutting and Joe Massey**

SELECTMEN'S MEETING MINUTES

DATE: February 13, 2007
TIME: 6:30 PM
PLACE: Selectmen's Room, Town Office

1. CALL TO ORDER
2. SELECTMEN PRESENT / QUORUM
3. PLEDGE OF ALLEGIANCE
4. COMMENTS / QUESTIONS FROM THE PUBLIC CONCERNING MATTERS NOT RELATED TO ITEMS ON THE AGENDA.

Geraldine Dixon questions what is happening with the Lime Mud permits and if it has all been spread. Selectman request Bob Sharkey to send letters to permit holders reminding them of the deadlines.

5. ACTION ITEMS

- a. Approval of Selectmen's Meeting Minutes – January 23, 2007.

MOTION: Move Board approve the minutes of the January 23, 2007
Selectmen's meeting.

Motion to accept: Randy
Second by: Steve
Unanimous

- b. Confirmation of Town Manager's appointment of Robert Sharkey as the Local Health Officer pursuant to 22 M.R.S.A. § 451.

MOTION: Move Board confirm the Town Manager's appointment of Robert Sharkey as the Local Health Officer pursuant to 22 M.R.S.A. § 451.

Motion to accept: Joe

Second by: Randy

Unanimous

- c. Appointment of Town Manager James Rhodes as the Town's Web Site Manager (Web Master).

MOTION: Move Board appoint Town Manager James Rhodes as the Town's Web Site Manager (Web Master).

Motion to accept: Randy

Second By: Steve

Unanimous

NOTE: Board signatures required.

- d. Authorization to place a notice in the Morning Sentinel to notify residents that the Town of Clinton will actively enforce the Automobile Graveyard and Junk Yard Ordinances adopted by the Town.

MOTION: Move Board authorize the Town Manager to place the attached notice in the Morning Sentinel specifying that the Town of Clinton will actively enforce the Automobile Graveyard and Junkyard Ordinances adopted by the Town.

Motion to Accept: Randy

Second By: Steve

Unanimous

6. DISCUSSION ISSUES

- a. Cheryl Reynolds: Report on correction efforts.

See attached reports

Randy moves to withdraw petition for Dangerous Building

Second by Steve

Vote; 3- yes 2- no - Joe , Chester

- b. Ed Blanchard and Attorney Tom Bell: Plan for compliance efforts.

See attached reports

Randy motions to authorize CEO to obtain an inspection warrant and if Mr. Blanchard is found in violation to proceed with further legal action.

- c. Update on James Wells, Jr. Map 8, Lot 60.

CEO is going to district court this week to apply for a court date.

- d. Update on James Wells, Jr. Map 15, Lot 9.
Benton's Case
- e. Update on Hans Krueger, Sr. Map 7, Lot 25.
Benton's Case
- f. Update on Hans Krueger, Sr. Map 15, Lot 1.
CEO is going to district court this week to obtain a court date.
- g. Other violation updates.
Mr. Dunphy of 67 Mutton Lane is still in violation of Automobile graveyard ordinances and CEO plans to apply at District Court for a Administrative Inspection Warrant.
- h. Mr. Sander of 943 Hinckley Rd CEO went to inspect property and Mr. Sander's wife gave him permission to inspect, CEO found he is in violation and CEO will send him a letter informing he is in violation.

7. SUPPLEMENTS AND ABATEMENTS

None

8. TOWN MANAGER'S REPORT

- a. Expense / Revenue Report.
- b. Proposal for Public Safety Dispatching
- c. Audit presentation schedule.
- d. CDBG Grant application
- e. Comments on the proposed FY 07 / 08 Budget.
See Attached reports.

9. OLD / NEW BUSINESS

Water District Public Hearing next Tuesday.

10. WARRANT #59 in the amount of \$146,332.75

Motion to Accept: Randy
Second By: Chet
Unanimous

11. EXECUTIVE SESSION

MOTION: Randy Moves Board go into executive session pursuant to 1 M.R.S.A. § 405 (6) (F) and 36 M.R.S.A. § 841 (2) (E) for the purpose of discussing 2 Poverty Abatement applications.

Second By: Chet
Unanimous

Motion to Exit Executive Session by: Randy

Second By: Steve
Unanimous

12. MOTIONS AS A RESULT OF EXECUTIVE SESSION.

Motion by Randy to table the application till 2/27/2007 Selectman's Meeting pending receipt of additional information regarding state tax rebates to make the applications complete.

Second By: Steve

Unanimous

13. NEXT AGENDA ITEMS

Auditor to Attend

Budget Review

Land Use Ordinance Permit Fees/ Business Permits

14. Motion to Adjourn by; Chet

Second by; Randy

Unanimous

Time 8:45 pm

AGENDA

ITEM

6. a.

TOWN OF CLINTON, MAINE

ANNUAL FINANCIAL REPORT
with Independent Auditors Report

For the Year Ending June 30, 2006

TOWN OF CLINTON, MAINE
ANNUAL FINANCIAL REPORT
Year Ended June 30, 2006
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1

KEEL J. HOOD

Certified Public Accountant

2 Burns Street - Fairfield, Maine 04937 - (207)453-2006

INDEPENDENT AUDITORS REPORT

Board of Selectmen
Town of Clinton
Clinton, Maine

I have audited the accompanying financial statements of the governmental activities, the major fund, and the aggregate remaining fund information, of Town of Clinton, Maine, as of and for the year ended June 30, 2006, which collectively comprise the Town's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Town of Clinton, Maine's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. I believe that my audit provides a reasonable basis for my opinion.

In my opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the major fund, and the aggregate remaining fund information, of the Town of Clinton, Maine as of June 30, 2006, and the respective changes in financial position, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The management's discussion and analysis and budgetary comparison information, are not a required part of the basic financial statements but are supplementary information required by accounting principles generally accepted in the United States of America. I have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, I did not audit the information and express no opinion on it.

September 8, 2006

Statement 1

TOWN OF CLINTON, MAINE
Statement of Net Assets
June 30, 2006

ASSETS	<u>Governmental Activities</u>
Current Assets:	
Cash	\$ 1,156,597
Receivables:	
Taxes	144,068
Liens	49,539
Accounts	29,333
Ambulance	22,469
Tax acquired property	4
Due from Fiduciary Fund	12,449
Total Current Assets	1,414,459
Noncurrent Assets:	
Capital assets net	11,039,536
Total Assets	12,453,995
LIABILITIES	
Current Liabilities:	
Accounts payable	30,059
Accrued compensated absences	8,611
Other governments	41,189
Notes payable	37,100
Total Current Liabilities	116,959
Noncurrent Liabilities:	
Notes payable	222,600
Total Noncurrent Liabilities	222,600
Total Liabilities	339,559
NET ASSETS	
Invested in capital assets, net of related debt	10,779,836
Unrestricted	1,334,600
Total net assets	\$ 12,114,436

TOWN OF CLINTON, MAINE
Statement of Activities
For the Year Ended June 30, 2006

Statement 2

Function/Programs	Program Revenues			Net (Expense)
Expenses	Charges for Services	Operating grants and contributions	Capital grants and contributions	Revenues
Governmental activities:	\$			
General government	245,263	24,337		(220,926)
Public safety	635,934	99,655	257,357	(278,922)
Public works	624,412		103,135	(521,277)
Health and sanitation	403,159	239,452	61,591	(102,116)
Special assessments	1,457,241			(1,457,241)
Leisure services	80,331	4,325	1,682	(74,324)
Cemeteries	18,861			(18,861)
Unclassified	7,485	1,639		(5,846)
Debt service	20,357			(20,357)
Total governmental activities	3,493,043	369,408	423,765	0 (2,699,870)
				<u>Governmental Activities</u>
Net (expense) / revenue				
General revenues:				
Property taxes				1,804,514
Excise taxes				478,905
Interest and costs on taxes				24,469
Intergovernmental:				
State revenue sharing				355,590
Homestead exemption				91,291
Business equipment tax refund				22,005
Miscellaneous				26,115
Unrestricted interest				28,094
Total general revenues				2,830,983
Change in Net Assets				131,113
Net Assets - beginning				11,983,323
Net Assets - ending	\$			12,114,436

TOWN OF CLINTON, MAINE
Balance Sheet
Governmental Funds
June 30, 2006

Statement 3

ASSETS	General <u>Fund</u>	Other Governmental <u>Funds</u>	Total Governmental <u>Funds</u>
Cash	\$ 1,099,825	\$ 56,771	\$ 1,156,596
Receivables			
Taxes	144,068		144,068
Liens	49,539		49,539
Accounts	29,333		29,333
Other governments	22,469		22,469
Tax acquired property	4		4
Due from fiduciary fund		12,449	12,449
Internal balances	(192,082)	192,082	0
Total Assets	1,153,156	261,302	1,414,458
LIABILITIES			
Accounts payable	30,059		30,059
Accrued compensated absences	8,611		8,611
Due to other governments	41,189		41,189
Deferred property taxes	135,000		135,000
Total Liabilities	214,859	0	214,859
FUND BALANCES			
Fund Balances			
Reserved:			
Capital purchases		100,380	100,380
Unreserved:			
Designated for subsequent years			
Revenues	66,725		66,725
Undesignated	871,573	160,922	1,032,495
Total Fund Equity	938,298	261,302	1,199,600
Total Liabilities and Fund Equity	\$ 1,153,157	\$ 261,302	\$

Amounts reported for governmental activities in the statement of net assets are different because:

Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.	11,039,536
Other long-term assets are not available to pay for current-periods expenditures and therefore are deferred in the funds.	135,000
Long-term liabilities, including bonds payable are not due and payable in the current period and therefor are not reported in the funds.	
Notes payable	(259,700)
Net assets of governmental	\$ 12,114,436

TOWN OF CLINTON, MAINE
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the Year Ended June 30, 2006

	General Fund	Other Governmental Funds	Total Governmental Funds
Revenues:			
Taxes	\$ 2,374,088	\$	\$ 2,374,088
Intergovernmental	870,646	22,005	892,651
Interest	26,525	1,569	28,094
Charges for services	364,557	3,212	367,769
Miscellaneous	27,754		27,754
Total Revenues	3,663,570	26,786	3,690,356
Expenditures:			
Current:			
General government	239,278		239,278
Public safety	802,144	10,964	813,108
Public works	405,779		405,779
Health and sanitation	397,391		397,391
Special assessments	1,457,241		1,457,241
Leisure services	75,292	4,289	79,581
Cemeteries	18,861		18,861
Unclassified	7,485		7,485
Debt services	57,457		57,457
Total Expenditures	3,460,928	15,253	3,476,181
Excess of Revenues Over (Under) Expenditures	202,642	11,533	214,175
Other Financing Sources (Uses):			
Operating Transfer In	31,690	(31,690)	0
Operating Transfer (Out)	(50,000)	50,000	0
Total Other Financing Sources (Uses)	(18,310)	18,310	0
Excess of Revenues Over (Under) Expenditures and Other Financing Sources (Uses)	184,332	29,843	214,175
Fund Balances - beginning	753,966	231,459	985,425
Fund Balances - ending	\$ 938,298	\$ 261,302	\$ 1,199,600

TOWN OF CLINTON, MAINE
 Reconciliation of the Statement of Revenues,
 Expenditures, and Changes in Fund Balances
 Of Governmental Funds
 to the Statement of Activities
 For the Fiscal Year Ended June 30, 2006

Net change in fund balances - total governmental funds \$ 214,175

Amounts reported for governmental activities in the
 Statement of Activities are different because:

Governmental funds report capital outlays as expenditures.
 While governmental activities report depreciation expense to
 allocate those expenditures over the life of the assets:

Depreciation expense	(490,452)
Capital asset purchases capitalized	436,490

Repayment of debt principal is an expenditure in the
 governmental funds, but issuing debt increases long-term
 liabilities in the Statement of New Assets:

Capital note obligation principal payments	37,100
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Revenues in the Statement of Activities that do not provide
 current financial resources are not reported as revenues
 in the funds:

Deferred property tax revenue	(66,200)
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Change in Net Assets of Governmental Activities	\$ 131,113
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TOWN OF CLINTON, MAINE
Statement of Net Assets
Fiduciary Fund
June 30, 2006

		Private Purpose <u>Trust Fund</u>
ASSETS		
Investments	\$	363,603
Due to general fund		(12,449)
Total Assets		<u>351,154</u>
NET ASSETS		
Held in Trust		351,154
Total Net Assets	\$	<u>351,154</u>

DRAFT

TOWN OF CLINTON, MAINE
Statement of Changes in Fiduciary Net Assets
June 30, 2006

	<u>Private Purpose Trust Fund</u>
Additions:	
Investment income	\$ 55,286
Total Additions	55,286
Deductions:	
Cemeteries	1,595
Total Deductions	1,595
Change in Net Assets	53,691
Operating Transfer Out	(2,285)
Change in Net Assets After Transfers	51,406
Net Assets - beginning of year	299,748
Net Assets - end of year	\$ 351,154

TOWN OF CLINTON, MAINE
Notes to Combined Financial Statements
June 30, 2006

1. Summary of Significant Accounting Policies

The Town of Clinton was incorporated in 1795 under the laws of the State of Massachusetts. The Town operates under the Town Manager/Board of Selectmen/Town Meeting form of government.

The Town's financial statements are prepared in accordance with generally accepted accounting principles (GAAP). The Governmental Accounting Standards Board (GASB) is responsible for establishing GAAP for state and local governments through its pronouncements (Statements and Interpretations). Governments are also required to follow the pronouncements of the Financial Accounting Standards Board (FASB) issued through November, 1989 (when applicable) that do not conflict with or contradict GASB pronouncements. Although the Town has the option to apply FASB pronouncements issued after that date to its business-type activities and enterprise funds, the Town has chosen not to do so. The more significant accounting policies established in GAAP and used by the Town are discussed below.

A. Reporting Entity

In evaluating how to define the reporting entity, for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit is made by applying the criteria set forth in GAAP which defines the reporting entity as the primary government and those component units for which the primary government is financially accountable. Financial accountability is defined as appointment of a voting majority of the component unit's board, and either a) the ability to impose will by the primary government, or b) the possibility that the component unit will provide a financial benefit to or impose a financial burden on the primary government. Application of this criterion and determination of type of presentation involves considering whether the activity benefits the government and/or its citizens, or whether the activity is conducted within the geographic boundaries of the government and is generally available to its citizens. Based upon the application of these criteria, there were no potential component units required to be included in this report.

B. Government-wide Financial Statements

The government-wide financial statements (i.e., the statement of net assets and the statement of changes in net assets) report information on all of the non fiduciary activities of the Town. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset

Draft

1. Summary of Significant Accounting Policies, continued

by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. The Town has elected not to allocate indirect costs among the programs, functions and segments. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds and fiduciary funds, even though the latter is excluded from the government-wide financial statements. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenues as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Licenses, permits, fees, excise taxes and miscellaneous revenues are recorded as revenues when received in cash because they are generally not measurable until actually received. Interest income and charges for services are recorded as revenues when earned, since they are measurable and available.

Those revenues susceptible to accrual are property taxes, interest, and charges for services. Other receipts and taxes become measurable and available when cash is received by the Town and are recognized as revenue at that time.

1. Summary of Significant Accounting Policies, continued

Entitlements and shared revenues are recorded at the time of receipt or earlier if the susceptible to accrual criteria are met. Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other grant requirements have been met.

When both restricted and unrestricted resources are available for use, it is the Town's policy to use restricted resources first, then unrestricted resources as needed.

The Town reports the following major governmental fund:

The General Fund is the Town's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

Additionally, the Town reports the following fund types:

Fiduciary Funds

Fiduciary funds are used to account for assets held by the Town in a trustee capacity or as an agent for individuals, private organizations, other governmental units, and/or other funds.

Private-purpose trust funds are used to report trust arrangements under which principal and income benefit individuals, private organizations, or other governments.

Private-sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in the government-wide financial statements to the extent that those standards do not conflict with or contradict guidance of the Governmental Accounting Standards Board. The government has elected not to follow subsequent private-sector guidance.

As a general rule the effect of interfund activity has been eliminated from the government-wide financial statements.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

D. Capital Assets

Capital assets, which include property, plant, and equipment are reported in the governmental activities column in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of more than \$5,000 (amount not rounded) and an estimated useful life in excess of two years. Such assets are recorded at historical costs or estimated historical cost

1. Summary of Significant Accounting Policies, continued

if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed. Property, plant, and equipment of the primary government is depreciated using the straight line method over the following estimated useful lives ranging from 3 to 50 years.

E. Long-term Obligations

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the governmental activities statement of net assets. Bond premiums and discounts, as well as issuance costs, if material, are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs, if material, are reported as deferred charges and amortized over the term of the related debt.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuance are reported as other financing sources while discounts on debt issuance are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

F. Fund Equity

Reserved fund balance indicates that a portion of the fund balance is legally or otherwise segregated for a specific future use, and is indicated by the title of each reserve listed in the balance sheet. Unreserved-designated fund balances indicate amounts which either are required to be carried forward by law or contractual agreement, or which the Town has voted to carry forward.

G. Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

2. Budgetary Accounting

1. Summary of Significant Accounting Policies, continued

A budget is formally adopted for the General Fund, only, through the passage of a Town warrant, and is prepared on a basis consistent with generally accepted accounting principles.

In the General Fund, the level of control (level at which expenditures may not exceed budget and applied revenues) is the accounts within each department. Unexpended appropriations and unexpended revenues are

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2. Budgetary Accounting, continued

lapsed at the close of the year. Once adopted, the budget can only be amended by the townspeople at a special Town meeting.

3. Operating Property

Operating and nonoperating property are recorded at cost or, in the case of contributed property, at the fair market value at the date of acquisition. Depreciation is computed on the straight line method based upon the estimated useful lives of the assets as follows:

Governmental Activities:	Balance July 1 <u>2005</u>	<u>Increases</u>	<u>Decreases</u>	Balance June 30 <u>2006</u>
Assets not being depreciated				
Land	\$ 56,300	\$	\$	\$ 56,300
Assets being depreciated				
Buildings	923,300			923,300
Vehicles	493,465	269,190	19,000	743,655
Equipment	113,100			113,100
Infrastructure	15,653,700	186,300		15,840,000
	<u>17,239,865</u>	<u>455,490</u>	<u>19,000</u>	<u>17,676,355</u>
Less accumulated depreciation				
Buildings	165,278	22,350		187,628
Vehicles	401,568	71,146	12,667	460,047
Equipment	89,026	14,073		103,099
Infrastructure	5,472,495	395,550		5,868,045
	<u>6,128,367</u>	<u>503,119</u>	<u>12,667</u>	<u>6,618,819</u>
Capital Assets, net	\$ <u>11,111,498</u>	\$ <u>(47,629)</u>	\$ <u>6,333</u>	\$ <u>11,057,536</u>
Depreciation Expense:				
General government	\$ 5,985			
Public works	404,934			
Public safety	85,683			
Health and sanitation	5,767			
Leisure services	750			
	<u>\$ 503,119</u>			

4. Deposits and Investments

The Town's policy is to invest all available funds at the highest possible rates, in conformance with legal and administrative guidelines, while avoiding unreasonable risk.

Custodial credit risk is the risk that, in the event of a bank failure, the Town's deposits might not be recovered. The Town does not have a deposit policy for custodial credit risk.

A. Deposits

As of June 30, 2006, the Towns carrying amount of deposits was \$909,500 for all funds. For purposes of classifying categories of custodial risk, the bank balances of the Town's deposits as of June 30, 2006 were either entirely insured or collateralized with securities held by the Town's agent in the Town's name.

B. Investments

Maine statutes authorize the Town to invest in obligations of US Treasury and US Agencies, repurchase agreements, and certain corporate stocks and bonds. The Town's investments of \$310,403 are categorized as insured or registered, or securities held by the Town or its agent in the Town's name. The Town's investments are reported at fair value which is determined by the last reported

4. Deposits and Investments, continued

sales price as follows:

<u>Fiduciary Funds</u>	<u>Fair Value</u>
Corporate Stock	\$ 29,074
American Bond Fund	49,940
American Capital Inc	24,366
American Cap World	35,225
American Fundamental	23,957
American Growth Fund	35,681
American Income Fund	24,647
American Investment Co	24,427
American New World A	22,422
Putnam Funds CI-A	22,568
Money Market	71,296
Total	<u>\$ 363,603</u>

5. Property Tax

Property taxes for the year were committed on August 26, 2005, on the assessed value listed as of April 1, 2005, for all taxable real and personal property located in the Town. Payment of taxes was due at the date of commitment with interest at 7.75% on all tax bills unpaid as of October 1, 2005 and April 1, 2006. Assessed values are periodically established by the Town's Assessor at 100% of estimated market value. The assessed value for the list of April 1, 2005 upon which the levy for the year ended June 30, 2006, was based, was \$113,711,400. This assessed value was 100% of the estimated market value.

Tax liens are placed on real property within twelve months following the tax commitment date if taxes are delinquent. The Town has the authority to foreclose on property eighteen months after the filing of the lien if tax liens and associated costs remain unpaid.

Property taxes levied during the year were recorded as receivables at the time the levy was made. The receivables collected during the year and in the first sixty days following the end of the fiscal year have been recorded as revenues. The remaining receivables have been recorded as deferred revenues.

6. Statutory Debt Limits

In accordance with 30-A MRSA, Section 5702, as amended, no municipality shall incur debt for specified purposes in excess of 15 percent of the state valuation of such municipality. At June 30, 2006, the Town was in compliance with these regulations.

7. Long-term Debt

The following is a summary of long-term debt transactions of the Town for the year ended June 30, 2006:

<u>Long-term debt payable at July 1, 2005</u>	\$ 296,800
Debt Issued	
Debt Retired	(37,100)
Long-term debt payable at June 30, 2006	<u>\$ 259,700</u>
Interest Paid	<u>\$ 8,255</u>

Long-term debt payable at June 30, 2006 is comprised of the following:

4. Deposits and Investments, continued

	Interest Rate	Final Maturity Date	Balance End of Year
<u>Long-term Debt Account Group</u>			
General obligation bond	Various	2012	\$ 259,700
			<u>\$ 259,700</u>

The annual requirement to amortize all long-term debt outstanding as of June 30, 2006 are as follows:

Year	Principal Payable	Interest Payable
2007	\$ 37,100	\$ 7,327
2008	37,100	6,400
2009	37,100	5,417
2010	37,100	4,341
2011	37,100	3,158
2012	37,100	1,906
2013	37,100	640
Total	<u>\$ 259,700</u>	<u>\$ 29,189</u>

8. Undesignated General Fund Fund Equity

The undesignated General Fund fund equity reflected a change for the current year as follows:

Balance - July 1, 2005	\$ 744,502
Increase (Decrease):	
Actual over budgeted revenues	208,706
Actual under budgeted expenditures	48,365
Budgeted utilization of fund equity	<u>(130,000)</u>
Net Increase (Decrease)	127,071
Balance - June 30, 2006	<u>\$ 871,573</u>

9. Designated for Subsequent Years Revenues

The portion of the General Fund fund equity which has been designated for subsequent year's revenues represents amounts received during the current accounting period that are to be budgeted as revenues in the subsequent year. These accounts, were as follows at December 31, 2006:

State revenue sharing	\$ 25,590
Salt and sand shed reimbursement	36,339
Library renovations	4,796
Totals	<u>\$ 66,725</u>

10. Special Revenue Fund Designated Fund Equity

Special Revenue Fund designated fund equity as of June 30, 2006 consists of the following:

Economic development	\$ 157,594
Recreation	368
Library fund	2,960
Total	<u>\$ 160,922</u>

11. Capital Projects Fund Designated Fund Equity

4. Deposits and Investments, continued

Capital Projects Fund designated fund equity as of June 30, 2006 consists of the following:

Equipment fund	\$	100,380
Total	\$	<u>100,380</u>

12. Overlapping Debt

The Town is liable for its proportional share of any defaulted debt issued by entities of which it is a member. The overlapping bonded debt applicable to the Town at year-end, consists of the following:

<u>Entity</u>	<u>Total</u>	<u>Town's Share</u>	<u>Percentage</u>
Kennebec County	\$ 2,247,938	\$ 42,711	1.90%
MSAD #49	\$ 2,492,900	\$ 521,515	20.92%

13. Interfund Balance

Individual interfund receivable and payable balances at June 30, 2006, were as follows:

<u>Fund</u>	<u>Receivable</u>	<u>Payable</u>
General Fund	\$ 12,448	\$ 204,531
Special Revenue Fund	104,151	
Capital Project Fund	100,380	
Trust Fund		12,448
Total	\$ <u>216,979</u>	\$ <u>216,979</u>

14. Risk Management

The Town of Clinton is exposed to various risks of losses related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Town maintains insurance coverage for part of its risk management. Expenditures and claims are recognized when it is probable that a loss has occurred and the amount of the loss can be reasonably estimated. In determining claims, events that might create claims, but for which none have been reported, are considered. The Town's management estimates that the amount of actual or potential claims against the Town as of June 30, 2006, will not materially affect the financial condition of the Town.

TOWN OF CLINTON, MAINE
Budget Comparison Schedule
General Fund
For the year ended June 30, 2006

	<u>Budgeted Amounts</u>			Variance with final budget positive (negative)
	Original	Final	Actual	
Revenues:	\$	\$	\$	\$
Taxes	2,244,011	2,244,011	2,374,088	130,077
Intergovernmental	526,815	834,128	870,646	36,518
Interest	12,000	12,000	26,525	14,525
Charges for services	293,600	293,600	364,557	70,957
Miscellaneous	16,900	16,900	27,754	10,854
Total revenues	<u>3,093,326</u>	<u>3,400,639</u>	<u>3,663,570</u>	<u>262,931</u>
Expenditures:				
Current:				
General government	244,969	246,969	239,278	7,691
Public safety	555,140	822,129	802,144	19,985
Public works	413,513	413,513	405,779	7,734
Health and sanitation	353,442	410,755	397,391	13,364
Special assessments	1,495,305	1,495,305	1,457,241	38,064
Leisure services	69,905	69,905	75,292	(5,387)
Cemeteries	25,100	25,100	18,861	6,239
Unclassified	8,495	8,696	7,485	1,211
Debt service	57,457	57,457	57,457	0
Total expenditures	<u>3,223,326</u>	<u>3,549,829</u>	<u>3,460,928</u>	<u>88,901</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(130,000)</u>	<u>(149,190)</u>	<u>202,642</u>	<u>351,832</u>
Other Financing Sources (Uses):				
Operating transfer in		19,190	31,690	12,500
Operating transfer (out)			(50,000)	(50,000)
Total Other Financing Sources (Uses)	<u>0</u>	<u>19,190</u>	<u>(18,310)</u>	<u>(37,500)</u>
Excess of Revenues Over (Under) Expenditures and Other Financing Sources (Uses)	<u>(130,000)</u>	<u>(130,000)</u>	<u>184,332</u>	<u>314,332</u>
Fund Balance - beginning	753,966	753,966	753,966	0
Fund Balance - ending	<u>\$ 623,966</u>	<u>\$ 623,966</u>	<u>\$ 938,298</u>	<u>\$ 314,332</u>

The accompanying notes to the financial statements are an integral part of this statement.

AGENDA

ITEM

6. b.



Town of Clinton
27 Baker Street

426-8511 phone

Clinton, ME 04927

426-8323 fax

MEMORANDUM

TO: Honorable Board of Selectmen

FROM: James W. Rhodes, Town Manager

DATE: February 21, 2007

RE: Land Use Ordinance Application Fees

The current Land Use Ordinance Town of Clinton, Section 6 Administration and Enforcement, Subsection C Permit Application, paragraph 5, Application Fee specifies the following:

"A fee of \$5.00 is payable with application for a Building / Land Use Permit or with application for a site review."

The current fee structure of \$5.00 generates approximately \$780.00 per year in revenue to the Town of Clinton to help offset taxes. This represents 5.20% of the Code Enforcement Officer's annual pay.

The fees need to be increased for the following reasons:

- Fund additional revenue to the Town of Clinton to offset the need to commit taxes to fund the Code Enforcement Officer (CEO) position.
- Insure building permits application are submitted to the CEO.

The following options are proposed:

1. Status Quo: no change to \$5.00 application fee.

2. Residential Properties

New = 15 cents per square foot
Renovation = \$40.00

Commercial Properties

New = 20 cents per square foot
Renovation = \$40.00

Minor Structures = \$40.00 (porches, decks, residential garage for 2 or
or less vehicles, utility sheds less than 250
square feet).

3. Principal structure: \$50.00 + \$0.10 per square foot

Accessory structure: \$40.00 + \$0.05 per square foot

Structural renovation: \$30.00 + \$0.05 per square foot

4. Less than 10 square feet	no charge
11 square feet to 100 square feet	\$5.00
101 square feet to 1,000 square feet	\$50.00 plus \$.10 per sq. ft.
1001 square feet to 5000 square feet	\$150.00 plus \$.15 per sq. ft.
5001 square feet plus	\$ 250.00 plus \$.20 per sq. ft.

After the fact permit fees are assessed the fee schedule plus a \$300.00 penalty fee.

Town Charter, Article II Selectmen, Section 2.06 Powers and Duties, Paragraph (f) states: "The Board of Selectmen shall be responsible for establishing user fees for all Town property, leases, rentals and services, and shall review all fees and agreements annually."

The Charter may supersede the Ordinance for the following reasons:

- The Ordinance specifies a \$5.00 fee for the application for a building permit. (This could be interpreted as an application fee)
- The issuance of a building permit is a service provided by the Town because there are follow up inspections by the CEO.
- The Charter specifies the Selectmen set fees for services and inspections by the CEO is a fee for service provided by the Town.

Recommend the Town obtain a legal opinion from MMA Legal to clarify this issue.

AGENDA

ITEM

8. a.

**2007 / 2008 Proposed Budget
Balance of Revenues v. Expenditures**

<u>Revenue</u>	1/22/2007 INITIAL Town Manager Proposal	2/22/2007 AMENDED Town Manager Proposal	as of 2/22/2007 Budget Committee Recommended
1. Non - Property Tax	\$ 820,200.00	\$ 834,750	
2. State Funds	\$ 373,975.00	\$ 449,400	
3. Tax Commitment	\$ 353,051.02	\$ 352,358	
4. Undesignated Fund Balance or override of tax commitment		\$ 42,120	
total	\$ 1,547,226.02	\$ 1,678,628	
<u>Expenditures</u>			
1. Town Departments	\$ 1,386,912.50	\$ 1,364,854	\$ 1,368,879
2. Fixed Costs	\$ 236,603.40	\$ 261,168	\$ 261,168
3. Boards, Committees	\$ 51,260.00	\$ 52,606	\$ 51,796
total	\$ 1,674,775.90	\$ 1,678,628	\$ 1,681,843
Balance	\$ (127,549.88)		

AGENDA

ITEM

8. b.

STATE OF MAINE

MAINE SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT
LAW DOCKET NO. KEN-06-667

CHARLES S. MCINTYRE

Appellant

v.

TOWN OF CLINTON, MAINE

Appellee

BRIEF OF APPELLEE TOWN OF CLINTON

Mary A. Denison, Esquire
Maine Bar No. 9301
Attorney for Town of Clinton

Dyer Goodall and Denison, P.A.
61 Winthrop Street
Augusta, Maine 04330
(207) 622-3693

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STATE OF MAINE

MAINE SUPREME JUDICIAL COURT
Sitting as the LAW COURT
Portland, Maine
Docket No. KEN-06-667

Town of Clinton,)
)
)
 Plaintiff/Appellee)
)
 v.)
)
 Charles S. McIntyre)
)
)
 Defendant/Appellant)

**APPELLEE'S
BRIEF**

(Title to Real Estate
Involved)

NOW COMES the Appellee, the Town of Clinton, by and through its attorneys, Dyer, Goodall and Denison, P.A. of Augusta, Maine, and files this brief in response to the appeal of Charles S. McIntyre.

Facts and Procedural History

The Town of Clinton brought an action pursuant to the general jurisdiction of the District Court to grant relief pursuant to 14 M.R.S.A. §§ 6655-6658 to quiet and establish the title and to remove any cloud from the title of the Town of Clinton to real estate located on Main Street in Clinton, Maine. See Complaint dated June 24, 2005.

The Town acquired title to the property on January 23, 1997 by operation of law when a recorded Tax Lien automatically foreclosed on that date pursuant to 36 M.R.S.A. § 943. The records indicated that Charles S. McIntyre paid taxes on the property, as well as on his abutting parcel where his residence is located, until June, 1995. After that point

in time, McIntyre continued to pay taxes on his residence, but failed to make payment on the abutting parcel. The Town filed a tax lien certificate in the Kennebec County Registry of Deeds and strictly followed the statutory foreclosure process and it became the title owner of Map 17, Lot 83 in January, 1997 by automatic foreclosure. See Tax Lien Certificate and Notice of Foreclosure attached to the Town's Complaint as Exhibits C and D.

Several years later, the Select Board of the Town of Clinton made a decision to keep the property and improve it for municipal use. Because the Town did not want to risk a substantial investment in the event of a title defect, the Board authorized the town attorney to file a quiet title action in District Court.

The deed into Charles S. McIntyre, the property owner against whom the Town foreclosed for failure to pay property taxes, was unrecorded.¹ In fact, there is no record evidence of conveyance of the subject property after a Sheldon Schneider received the parcel from Richard and Lorena King in March 1988. See Deed attached to the Town's Complaint as Exhibit A. Accordingly, the Town filed an action to quiet title against all named and unnamed and unascertainable parties pursuant to Maine's quiet title procedure set forth in 14 M.R.S.A. §§ 6655 et seq. See Complaint dated June 24, 2005.

Defendant Charles McIntyre was served with the Complaint in hand on June 28, 2005. See Summons and Return of Service and Answer of the Defendant at ¶ 1. All other defendants were served by publication by Order of the court dated August 2, 2005. See Order for Service by Publication dated August 2, 2005. A published notice ran in the

¹ At the hearing on the Town's Motion for Summary Judgment, McIntyre produced the original unrecorded deed to the subject property for inspection by the court and the Town's attorney. The deed was not entered into the record.

Kennebec Journal for three consecutive weeks in August, 2005. See Affidavit and Proof of Service by Publication dated September 6, 2005.

Upon the Town's request, the court ordered that Howard Lake, Esq. be appointed agent and guardian ad litem for the unnamed and unascertainable defendants in this matter. Lake filed an Answer on behalf of the unnamed parties on April 5, 2006. See Answer of Agent and Guardian ad Litem.

On July 12, 2006, Defendant McIntyre filed an Answer to the Complaint, in which he admits that he was served with the Complaint and Summons in hand on June 28, 2006 and that the Town of Clinton foreclosed on his property in 1997 for nonpayment of taxes. See Answer of Defendant Charles S. McIntyre.

As there were no genuine issues of material fact in dispute following the close of discovery, the Town filed a Motion for Summary Judgment on August 30, 2006. See Plaintiff's Motion for Summary Judgment and accompanying Statements of Material Fact. Defendant McIntyre responded to the motion and the court set a hearing for oral argument on October 2, 2006. Both Defendant McIntyre and the Town's attorney attended the hearing during which the court provided ample opportunity to the Defendant for clarification and explanation of the proceedings. Following the hearing, the District Court granted the Town's motion and entered judgment in favor of the Town. See Judgment and Order dated October 2, 2006.

This appeal followed.

Discussion

The Appellant appears to be alleging reversible error occurred when the District Court allowed the pleadings to be amended when a clerical error was discovered at the October 2, 2006 hearing on the Town's Motion for Summary Judgment. At that hearing, the Town's attorney discovered the original summons had been placed in the file following return from the Sheriff's Department rather than forwarded to the court as required under M.R. Civ. P. 4(h). After the court entertained an oral motion to amend the pleadings, to which the Defendant did not object, the original summons and proof of service was added to the record.

The Complaint in this matter was timely filed with the court on June 25, 2005 and Defendant Charles McIntyre was served with a summons in hand by a Kennebec County Sheriff on June 28, 2005. See Answer of Defendant McIntyre at ¶ 1. In addition, McIntyre filed a timely Answer to the Complaint on July 12, 2005. Id.

In Christensen-Towne v. Dorey, 2002 ME 121, 802 A.2d 1010, the Law Court addressed failure to file the return of service as a challenge to personal jurisdiction by the Defendant. In that case, although the Plaintiff did not provide the court with proof of service until after a hearing was held, the Law Court found that it is the actual service of the summons, and not the proof of service, that provides the court with jurisdiction. In the present case, the Defendant was actually served on June 28, 2005, only 3 days after the Complaint was filed with Waterville District Court.

"The requirement for proof of timely service is intended to provide the court assurance that the defendant has adequate notice and will not be prejudiced by having to defend a stale claim." Jackson v. Borkowski, 627 A.2d 1010, 1012 (Me. 1993). "At any

time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process is issued.” Id. at 1013 (quoting M.R. Civ. P. 4(i)).

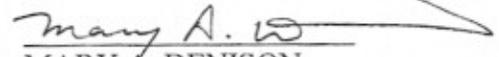
In this instance, the Waterville District Court ascertained that the Defendant had been timely served and the court provided the Defendant ample opportunity at the hearing to raise any objection he may have had with the late addition of the proof of service to the pleadings. He did not object and he admitted, both in court and in his answer to the Complaint, that he had been served in hand with a Summons and copy of the Complaint on June 28, 2005. Accordingly, the court did not commit reversible error in acknowledging the oversight of the Town and allowing the pleadings to be amended by addition of the proof of service at the hearing. The Defendant’s rights were in no way affected by the court’s decision. “The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.” Field, McKusick & Wroth, Maine Civil Practice § 4.15, p. 102 (1970).

Conclusion

As the District Court did not commit an error by its granting of the Town of Clinton’s Motion for Summary Judgment, the decision of the court must be affirmed. In addition, the court did not abuse its discretion in allowing the pleadings to be amended by the addition of the proof of service on October 2, 2006. Accordingly, the Town of Clinton shall be vested with title to the subject real estate in fee simple free from all claims of the Defendant, Charles S. McIntyre.

Dated: February 15, 2007

Respectfully submitted,

A handwritten signature in cursive script, reading "Mary A. Denison", with a long horizontal flourish extending to the right.

MARY A. DENISON
Maine Bar No. 9301
Attorney for
Plaintiff/Appellee
Town of Clinton

CERTIFICATE OF SERVICE

I hereby certify that I have made service of copies of the foregoing Brief of Appellee by U.S. Mail, postage paid, this 15th day of February, 2007 upon the following parties:

Charles S. McIntyre
P.O. Box 273
Clinton, Maine 04927
Appellant, Pro Se


Mary A. Denison
Attorney for Appellee
Town of Clinton

Dyer, Goodall & Denison, P.A.
61 Winthrop Street
Augusta, ME 04330
(207) 622-3693

STATE OF MAINE

MAINE SUPREME JUDICIAL COURT
Sitting as the LAW COURT
Portland, Maine
Docket No. KEN-06-667

Town of Clinton,)
)
 Plaintiff/Appellee)
)
 v.)
)
 Charles S. McIntyre)
)
 Defendant/Appellant)
)
)

**APPELLEE'S
MOTION TO
DISMISS**

(Title to Real Estate
Involved)

NOW COMES the Appellee, the Town of Clinton, by and through its attorneys, Dyer, Goodall and Denison, P.A. of Augusta, Maine, and moves to dismiss the appeal in the above captioned matter. Because the appeal was not timely filed, the appeal must be dismissed pursuant to M.R. App. P. 4(d) as the Court lacks jurisdiction to decide the matter on appeal.

Facts and Procedural History

The Town of Clinton brought an action pursuant to the general jurisdiction of the District Court to grant relief pursuant to 14 M.R.S.A. §§ 6655-6658 to quiet and establish the title and to remove any cloud from the title of the Town of Clinton to real estate located on Main Street in Clinton, Maine. Following a hearing on the Town's Motion for Summary Judgment, the District Court (Vafiades, C.J.) entered a judgment in favor of the Town. The judgment was entered on the docket on October 2, 2006. See Judgment and Order attached hereto as Exhibit A.

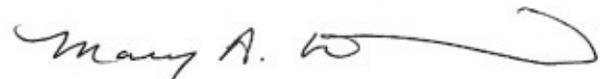
On October 25, 2006, Defendant Charles McIntyre filed a Notice of Appeal with the Waterville District Court. See Notice of Appeal attached hereto as Exhibit B. The Notice clearly states that the appeal is from a judgment entered on October 2, 2006 and the date of the Notice of Appeal is October 25, 2006, or 23 days after the entry of the judgment.

The time limit for filing an appeal is 21 days after the entry of the judgment of the docket. M.R. App. P. 2(b)(3). Accordingly, the Defendant's appeal must be dismissed as untimely.

The Defendant has chosen to proceed *pro se* in defending against this quiet title action and the Plaintiff is not unsympathetic to the burden of self-representation. However, the Law Court has long recognized the principle that *pro se* litigants are held to the same standards as represented litigants. See, e.g. Dufort v. Bangs, 644 A.2d 6, 7 (Me.1994); Uotinen v. Hall, 636 A.2d 991, 992 (Me.1994)). Neither civil nor criminal litigants are afforded any special consideration because of their *pro se* status. New England Whitewater Center, Inc. v. Department of Inland Fisheries and Wildlife, 550 A.2d 56, 60 (Me.1988); Richards v. Bruce, 1997 ME 61, ¶ 8, 691 A.2d 1223.

Dated: November 20, 2006

Respectfully submitted,



MARY A. DENISON
Maine Bar No. 9301
Attorney for
Plaintiff/Appellee
Town of Clinton

STATE OF MAINE
KENNEBEC, ss

DISTRICT COURT
Location: Waterville
Docket No. RE-05-40

Town of Clinton,)
)
 Plaintiff)

v.)

Charles S. McIntyre, Sheldon Schneider,)
 their heirs or legal representatives, or such)
 persons as shall become heirs, devisees,)
 appointees or grantees and any and all)
 other persons unascertained or not in)
 being or unknown or out of the state, and all)
 other persons whomsoever who may claim any)
 right, title, interest or estate, legal or equitable;)
 in the described land and said real estate)
 through or under said Charles S. McIntyre)
 et al.,)

Defendants)

JUDGMENT AND ORDER

(Title to Real Estate
Involved)

*The Town appeared
through counsel
and Mr. McIntyre
appeared pro se*

This matter came on for hearing before the court, and the court finding that 1) the Defendant Charles S. McIntyre has been duly served with the summons and complaint in accordance with the Maine Rules of Civil Procedure; and 2) that none of the named defendants is an infant or incompetent or in military service; and 3) that service by publication upon all defendants other than those above named has been made in accordance with the Order of this Court dated August 2, 2005; and default having been entered against Sheldon Schneider for failing to appear, plead or otherwise defend; and Howard Lake Esq. of Winthrop, Maine having been appointed guardian ad litem and agent under 14 M.R.S.A. § 6656 for all defendants other than those above named; and said Howard Lake having

filed an acceptance of appointment and an answer denying the allegations of the

complaint; and the Defendant Charles S. McIntyre having appeared and

answered; *and having failed to respond in accordance with M.R.Cv.P. 5(a)* it is hereby ORDERED, ADJUDGED and DECREED that

1) The defendants and every person claiming by, through or under them be

barred from all claims to any right, title, interest or estate in the following

described land and real estate:

A certain lot or parcel of land in the Town of Clinton, County of Kennebec, State of Maine, bounded and described as follows, to wit:

Beginning on the south side of Main Street in Clinton Village on the line of the road, two (2) feet east of the store now or formerly known as the Clinton Farmer's Exchange lot; thence by a line southwesterly that will connect the said southeast corner of said Store lot with the northeast corner of land of the Frank Rolfe estate; thence following the east line of said Rolfe estate to land now or formerly of Ernest Tuttle; thence easterly along the north line of said Tuttle to land now or formerly of J.B. Davis; thence northerly following the west line of J.B. Davis and the west line of land of one Charles Spaulding to a stone post on the south line of Main Street; thence running westerly following the south line of Main Street to the point of beginning.

Being the same land described in a Warranty Deed from Richard A. King and Lorena P. King to Sheldon Schneider dated March 25, 1980 and recorded in the Kennebec County Registry of Deeds in Book 2282, Page 2.

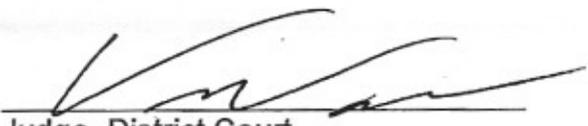
Also, being the same land described in an Abstract of a Divorce Decree between Sandra L. McIntyre, Plaintiff and Charles S. McIntyre, Defendant dated April 7, 1988 and recorded in the Kennebec County Registry of Deeds at Book 3340, Page 208, which states that title to the property described herein, also known as 32 Main Street, Clinton, is "in the Defendant's name from a deed of the Administrator of Veteran's Affairs, said deed being held by Defendant and as yet unrecorded."

2) The plaintiff, Town of Clinton, Maine, is vested with title to the above

described land and real estate in fee simple.

3) A copy of this Judgment and Order, attested as such by the clerk of this court, shall be recorded in the Kennebec County Registry of Deeds; and this Judgment and Order shall operate directly on the above described land and real estate and shall have the force of a release made by or on behalf of all defendants of all claims inconsistent with the title established and declared hereby.

Dated 10/2/06, 2006


Judge, District Court

STATE OF MAINE

SUPERIOR COURT

DISTRICT COURT

Docket No. _____, ss

Location Waterville
Docket No. RE-05-40

Town of Clinton

EXHIBIT
B

NOTICE OF APPEAL

- Civil
 Criminal

Charles J. McIntyre Sr

I appeal from the judgment, order or ruling entered in this proceeding on 10-2-06

Waterville, Maine Court

If this is a civil appeal, the Statement of the Issues (reasons for appeal) are (as follows) (attached) pursuant to M.R. App. P. 5 (b)(2)(A). I feel I was denied my defense of myself and my name to this had court to be seen. I had the same denied of my process of law.

This case arises from the Maine Tort Claims Act requiring the clerk to send a copy of this Notice of Appeal to the Office of the Attorney General.

If this is a criminal appeal, check one of the following:
The defendant is presently confined at
The defendant is not in custody. The defendant's address is

CHECK APPLICABLE BOX:

- The Transcript Order form is attached.
No transcript will be ordered.
No electronic or other recording of the proceedings can be prepared for this civil case. Therefore, a statement in lieu of transcript will be prepared pursuant to M.R. App. P. 5 (d).

Date: 10-25-06

[Signature]
Appellant

[Signature]
Appellant's attorney

PO Box 277 Clinton, ME
Appellant's address

Attorney's address

THIS NOTICE OF APPEAL MUST BE FILED IN THE COURT WHERE THE HEARING OR TRIAL WAS HELD.

NOTICE: If this is an appeal from a civil case or a criminal case involving an adult defendant, this notice must be filed within 21 days of the entry of the judgment in the docket. If this is an appeal from a case involving the extradition of a fugitive to another state, this notice must be filed within 10 days of the entry of the judgment in the docket.
Warning: Small Claims, Forcible Entry & Detainer and Juvenile matters have differing time limits for filing a Notice of Appeal. If this is an appeal from a Small Claims, Forcible Entry and Detainer or Juvenile matter, another form must be used which is available from the clerk.

AGENDA

ITEM

8. c.



Town of Clinton

27 Baker Street

426-8511 phone

Clinton, ME 04927

426-8323 fax

TOWN OF CLINTON NOTICE TO CITIZENS

The Town of Clinton will actively enforce the Automobile Graveyard and Junkyard Ordinances adopted by the Town.

If you have a no permitted Automobile Graveyard (three or more unregistered or uninspected motor vehicles), or no permitted Junkyard (yard, field or other outside area used to store, dismantle or otherwise handle discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture or discarded, scrap and junked lumber or old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material) on your property, you will be found in violation of Section 4, Subsection H of the Town's Land Use Ordinances, and subject to fines of \$100.00 to \$2,500.00 per day for each day the violation continues.

Clinton properties, without a permit for an Automobile Graveyard or Junkyard, with three or more unregistered or uninspected automobiles or any junk items on the property are subject to inspections. If violations are found, then an opportunity for the property owner to remedy the violation or violations will be given. If the violation or violations are not remedied within the time specified, then the Board of Selectmen will be requested to approve the pursuit of legal action in Waterville District Court, under rule 80K of the Maine Rules of Civil Procedure, to enforce the law and collect fines from the violator.

Inspections will commence April 3, 2007. If you have any questions, call Code Enforcement Officer Bob Sharkey at the Clinton Town Office 426-8511.