

**SOUTH BERWICK TOWN COUNCIL
PUBLIC HEARING
LIBRARY CONSTRUCTION BOND REFERENDUM QUESTION
SEPTEMBER 14, 2010**

Chairman David Burke opened the hearing at 6:30pm. Councilors present included Michelle Kareckas, Jean Demetracopoulos, Gerald W. MacPherson, Sr., and David H. Webster. Interim Town Manager Roberta L. Orsini was also in attendance.

The purpose of the hearing was to receive public comment on the proposed Library Construction Bond Referendum question for the November 2nd municipal election. *(To see if the Town will vote to approve a capital improvement project consisting of library improvements for a sum not to exceed \$1,500,000; to fund the capital improvement project, to authorize the Treasurer and the Chairman of the Town Council to issue general obligation securities of the Town of South Berwick (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed \$1,500,000 for a term not to exceed 25 years with an interest rate not to exceed 4% per annum for this project, singly or in combination with a bond or bonds for other projects; and to delegate to the Treasurer and the Chairman of the Town Council the discretion to fix the date(s), maturity(ies), interest rate(s), denomination(s), place(s) of payment, form and other detail of said securities, including execution and delivery of said security(ies) and to provide the sale thereof.)*

-Scarlett Hanson, Bennett Rd, stated that she supports the library but does not support bonding and the use of tax money for the project. She added that other infrastructure, such as roads, should come first.

-Ruth Boston, Emery's Bridge Rd, stated that other things are more urgent. She asked how many libraries do we have to support considering each school has a library in it.

-James Woodman, Tamarack Dr, asked about the estimated operating expenses and its affect on the budget. Mr. Burke stated that there are no estimates at this point. Mrs. Kareckas added that we are currently spending \$111,000 annually on the library. Mrs. Orsini explained that estimates are not available yet. She added that we currently pay a portion of the heating in the current building, we plow, and there is no increase in staffing for the new library. Approximately 70% of the operating cost is staff and that is not changing.

-Al Whitaker, Brookwood Dr, stated that there should be no surprises and some costs can be estimated. He added that he is in support of the bond even though it may not be the best option, but it is currently the only option. Mr. Whitaker asked if the bond would be structured to allow for an early payoff. Mr. Burke stated that is the intention.

-Brad Christo, Oldfields Rd, and Building Committee member, stated that heating and **mechanical issues won't be handled until** after the bond is voted on.

-Karen Eger, Warren Pond Rd, stated that she has worked in libraries for over 25 years and has reviewed the proposal for the new library. She added that current staffing levels should be sufficient in the new library. Mrs. Eger went on to say that literacy is not a luxury and libraries offer varied services to the community. For some the library is a form of recreation.

-Patti Mitchem, Witchtrot Rd, and Friend's of the Library, stated that the Friend's have raised over \$100,000 thus far. She added that the library provides services such as computer usage that don't cost people anything. Ms. Mitchem went on to say that the bond would be a vote of confidence and would help the Town take advantage of current low interest rates and construction costs.

-Mrs. Demetracopoulos stated that she supports the bond issue. She reiterated Ms. **Mitchem's comments regarding interest rates and construction costs. She added that just** like the Community Center, the new Library would be an asset for the Town.

-Al Whitaker, Brookwood Dr, asked what **the plan is if the Friend's are unable to reach their** fundraising goal. Mrs. Demetracopoulos responded that the \$1.5 million bond will provide us with a complete and useable structure. **Funds raised by the Friend's will cover costs such** as tables, chairs, shelving units, etc. We may need to move existing furnishings to the new building. Mr. Burke added that he believes it will continue to move forward, just at a slower pace.

-Mrs. Kareckas stated that the library provides public service and is an anchor to Town. Many people look at certain things when considering a move and a library is one of them.

-Sam Murray, Emery's Bridge Rd, agreed that a library can help draw people to town, but many people now have computers and don't need the library for that function. Mr. Murray asked if the Town plans on using local contractors for the work. Mrs. Orsini stated that that is the goal; however, the Town uses a competitive bid process.

-Mrs. Demetracopoulos commented that the reports she sees do not show diminished use at the library in spite of the advancements in technology. Mamie Ney, Librarian, stated that activities are well attended and the library is often busy.

-Maya Bogh, Butler St, stated that when the financial issues are answered there seems to be more support for the library.

-George Moore, Witchtrot Rd, stated that the need for the new library is obvious. He added that it is important to approve the bond to aid in the fundraising efforts.

-Mr. Webster stated that he supports the bond. He added that the Council decided to hold the referendum in November to get the most input from voters.

-Mr. Burke asked that everyone continue to question the ultimate costs. He encouraged everyone (for and against) to stay involved and treat each other "politely".

The hearing was closed at 7:17pm.

Attest:

Barbara Bennett, CCM

SOUTH BERWICK TOWN COUNCIL SEPTEMBER 14, 2010

Chairman David Burke called the meeting to order at 7:20pm. Those present included Councilors Michelle Kareckas, Jean Demetracopoulos, Gerald W. MacPherson, Sr., and David H. Webster. Assistant Town Manager Roberta Orsini was also in attendance.

APPROVAL OF MINUTES

1. Public Hearing 8-24-10: On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.
2. Town Council 8-24-10: On a motion by Mr. MacPherson, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.
3. Special Council 08-31-10: On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was unanimously voted to adopt the minutes as written.

SIGNING OF TREASURER'S WARRANT – September 14, 2010

On a motion by Mr. MacPherson, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant.

PUBLIC COMMENT

1. Ruth Boston, Emery's Bridge Rd, questioned the ad in the paper regarding work on a 2.5 acre parcel. Mrs. Orsini explained that the Town is seeking proposals for developing the entire property on Young Street.

REPORTS & CORRESPONDENCE

1. The Clerk announced that nomination papers for both Town Council and School Board are still available and are due back by Friday at 3:00pm.

TOWN MANAGER'S REPORT

- Roadside mowing is ongoing.
- The Brownfields abatement work at the Young Street property is on schedule.
- Road work is underway on Emery's Bridge Rd.**
- Road work should begin on Young Street the first week of October.
- Engineering work for the Vine Street repair is in process.
- Announced the Household Hazardous Waste Day will be October 9th at the Regional Maintenance Facility on Route 4.
- The Police Department is participating in the 1st Nationwide Prescription Take Back Day on September 25th at the Community Center.
- Noted that #6 new business was added to the agenda on Monday the 13th before noon. It was added **at our attorney's request because the bond bank needs the documents back immediately.**

NEW BUSINESS

1. The Council briefly discussed Librarian Mamie Ney's recommendation to institute a non-resident library card fee. Ms. Ney, in conjunction with the Library Advisory Board, has recommended a fee of \$20 per year. Mrs. Demetracopoulos asked what account the fee will be deposited to. Mrs. Orsini stated that it will be general revenue.

On a motion by Mr. Webster, seconded by Mrs. Kareckas, it was unanimously voted to establish a Non-Resident Library Card Fee of \$20.

2. On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was unanimously voted to accept the Strawberry Festival Grant in the amount of \$2450 for recreation programming and camp scholarships.

3. Town Manager Search Consultant: Several residents including Richard Clough, Ruth Boston, Eric Pelchat, Norma Tutelian, Marilyn Ladner, George Moore, Norman Fortier, Al Whitaker and Sam Murray all commented on the proposed agreement with the Search Consultant.

Comments and questions included the necessity and cost of the consultant. Several speakers praised Roberta Orsini; and suggested that she be offered the position without a search.

Mr. Webster made a motion to appropriate \$2900 to engage the consulting services of Richard Brown to conduct a new town manager search.

-Mrs. Demetracopoulos explained that she feels the Council needs to do its due diligence and **conduct a legal and proper process. She added that she hoped Mrs. Orsini "would be in the mix"**.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Burke, it was unanimously voted to amend the motion to include that the funds would be appropriated from the Town Manager budget line acct #4115.

-Mr. MacPherson stated that the use of a consultant does not prohibit hiring from within.

-Mrs. Kareckas stated that **it is the Council's duty to represent the Town in a professional manner.**

-Mr. Burke stated that he strongly believes in hiring from within. He added that he is not in favor of spending the \$2900 and will vote against the motion.

-Mr. Webster stated that it would be a disservice to the Town to hire someone too quickly. He added that he feels hiring the new manager is too important and should be a unanimous decision not a split vote as in the past.

The original motion, as amended, to appropriate \$2900 from account #4115 to engage the consulting services of Richard Brown to conduct a new town manager search passed 4-1 (Mr. Burke opposed).

4. Public Works Director/Engineer: Mrs. Orsini summarized the proposed agreement to share the position with Berwick. The agreement is for an 8 month trial period at a rate of \$80,000. Each town and the employee will have input as to its success and continuation. The PWD would remain an employee of Berwick with South Berwick covering 50% of the cost. The PWD would balance his time between the towns.

On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to authorize the Council Chairman to sign the agreement for shared Public Works Director/Engineer services with the Town of Berwick effective September 15, 2010.

Mr. Burke thanked Roberta Orsini for her efforts. Mr. MacPherson reiterated Mr. Burke's comments, adding that all the credit goes to Mrs. Orsini and Berwick Town Manager Keith Trefethen.

5. CMP Pole Permits:

On a motion by Mr. Webster, seconded by Mr. MacPherson, it was unanimously voted to approve the CMP Pole Permit applications for Agamenticus Road and Old County Road.

6. 2010 General Obligation Bond (approved at June 1st Town Meeting):

On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was unanimously voted that a bond or bonds in the aggregate principal amount of \$859,000 shall be issued to permanently **finance the costs of road construction, renovation, stabilization and protection of the Town's** Young Street property, including roofing and siding, repairs to Town Hall and the purchase of a communication repeater under the proposed Loan Agreement with the Maine Municipal Bond Bank presented to this meeting and under votes of the legislative body duly adopted; that said Loan Agreement (including Exhibit A which sets forth the maturity schedule and Exhibit B which sets forth the form of bond) is hereby approved; that the Clerk is directed to file a copy of said Loan Agreement with the records of this meeting; that the Treasurer and Chair of the Town Council are authorized to execute and deliver the Loan Agreement and to cause the corporate seal to be affixed thereto and attested by the Town Clerk,

although the attesting and affixing of the corporate seal thereto shall not be deemed essential to the validity of the Loan Agreement; and that the bonds are hereby sold to the Maine Municipal Bond Bank at par.

That the Treasurer and the Chair of the Town Council are authorized to determine the form(s), terms, provisions and details of the bond or bonds, including; (a) the terms for any redemption of such Build America Bonds or Recovery Zone Economic Development Bonds prior to maturity, and (b) the decision whether to issue and sell to the Maine Municipal Bond bank one or more bonds in any combination of tax exempt bonds, taxable Build America Bonds and/or taxable Recovery Zone Economic Development Bonds in the aggregate principal amount of \$1,000,000, or to allocate and designate one or more of the bonds, in whole or partial maturities, in varying principal amounts, as any of tax exempt bonds, Build America Bonds and/or Recovery Zone Economic Development Bonds.

On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to authorize the Council Chairman and the Treasurer to sign the Loan Agreement.

COUNCIL MEMBER COMMENTS

1. Mrs. Demetracopoulos:

-Received an email from Representative Mark Eves stating that the Great Hill Bridge work has gone out to bid. She asked if we have been updated in regard to the posted speed limit. Mrs. Orsini stated that we have not. Mrs. Kareckas commented that she saw a 35 mph sign posted.
-Worked the Powderhouse station for the Pumpkinman Triathlon; taking the opportunity to speak with a **couple of the participants' families. She recommended charging the CDC with** networking with the Strawberry Festival Committee, the Pumpkinman organizers, and others to work on something that would link these types of events to local businesses.

2. Mr. Webster:

-**Mentioned the drainage issue at the Henkel residence on Knight's Pond Rd. Mrs. Orsini stated** that she and several other staff members have spoken with him, but she will give him another call.
-**Commented on the Interim Manager's comments received in the weekly packet regarding "one of the Councilors was poking around the DPW..."**. Mr. Webster asked the Chair if the Interim Manager could be directed to set up a meeting between the Councilor and the DPW workers.

3. Mr. Burke:

-Expressed his thanks to the coordinators of the Pumpkinman Triathlon; it is an exceptional event.

4. Mr. MacPherson:

-**Referencing Mr. Webster's** comments stated that as elected officials, we deserve the ability to "poke" around. He added however, that according to the Charter, we are not allowed to give direction to any town employee. Looking around is fine, but questioning or directing an employee is not appropriate.

5. Mrs. Kareckas:

-Have been over to the pond near the highway garage on several occasions. It is within the Council's realm to look at things in response to citizen's concerns.
-Commented that hiring consultants can be beneficial. She made note that the \$1500 spent on consultant Anne Stephenson brought us a \$10,000 energy grant.
-Asked if we had budgeted for the cell tower lease payment for the tower being erected on Powderhouse Hill in conjunction with the Water District. (For use by the Police Department to extend communications range) Mrs. Orsini stated that some money had been budgeted, but she would have to verify how much.

ADJOURNMENT

On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to adjourn the meeting at 8:35pm.

Attest:

**SOUTH BERWICK TOWN COUNCIL
SPECIAL MEETING
SEPTEMBER 21, 2010**

The Chair reported the following to the Clerk:

Chairman David Burke called the meeting to order at 5:30pm. Those present included Councilors Michelle Kareckas, Jean Demetracopoulos, Gerald W. MacPherson, Sr. and David H. Webster. Interim Town Manager Robert L. Orsini, Search Consultant Richard Brown, and Mr. **Brown's** assistant Kathy Waters were also in attendance.

EXECUTIVE SESSION

1. On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to Enter executive session at 5:31pm pursuant to 1MRSA §405.6A to discuss the town manager search.

Mrs. Orsini was excused from the meeting.

On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to end the executive session at 6:32pm.

ADJOURNMENT

On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to adjourn the meeting at 6:32pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00052622	140532 NCO FINANCIAL SYSTEMS INC	09/28/2010	37.26
00052623	132500 SECRETARY OF STATE M/V	09/28/2010	23,311.19
00052624	031430 COMCAST	09/28/2010	6.27
00052625	189999 REFUNDS	09/28/2010	10.00
00052626	140532 NCO FINANCIAL SYSTEMS INC	09/28/2010	49.27
00052627	010285 ADMIRAL FIRE & SAFETY INC	09/28/2010	134.95
00052628	010585 AMAZON	09/28/2010	129.00
00052629	011422 KERA ASHLINE	09/28/2010	14.98
00052630	011475 ATLANTIC BROOM	09/28/2010	309.00
00052631	020225 BAKER & TAYLOR	09/28/2010	663.29
00052632	021300 BERNSTEIN SHUR	09/28/2010	6,332.00
00052633	021643 DON BLANCHARD	09/28/2010	88.00
00052634	021800 BOB'S TROPHIES & AWARDS	09/28/2010	40.00
00052635	022150 BOSTON CO.	09/28/2010	1,500.00
00052636	022503 SHARON BRASSARD	09/28/2010	9.12
00052637	022710 BROX INDUSTRIES INC	09/28/2010	807.68
00052638	030530 CENTRAL TIRE CO INC	09/28/2010	189.00
00052639	030510 CENTRAL MAINE POWER	09/28/2010	1,207.63
00052640	193300 CITIZENS BANK	09/28/2010	12.20
00052641	030725 CITIZENS BANK (CHG)	09/28/2010	1,119.63
00052642	030920 CLEAN-O-RAMA	09/28/2010	34.20
00052643	031096 COCHECO VALLEY HUMANE SOCIETY	09/28/2010	900.00
00052644	031220 COLBY COLLEGE	09/28/2010	24.00
00052645	031350 COLLINS SHEET METAL INC.	09/28/2010	60.30
00052646	031430 COMCAST	09/28/2010	95.00
00052647	031440 COMFORT INN	09/28/2010	70.00
00052648	032002 ONE COMMUNICATIONS	09/28/2010	1,089.06
00052650	050785 ELIMINATOR INC	09/28/2010	1,560.00
00052651	050798 ELIOT SMALL ENGINE REPAIR INC	09/28/2010	8.66
00052652	050810 ANDREW ELWELL	09/28/2010	57.00
00052653	060100 HOWARD P FAIRFIELD INC	09/28/2010	318.79
00052654	060300 FAVORITE FOODS INC	09/28/2010	395.59
00052655	060690 FIREMATIC SUPPLY CO	09/28/2010	265.00
00052656	060750 FIRE TECH & SAFETY	09/28/2010	230.00
00052657	061220 FOLLETT SOFTWARE COMPANY	09/28/2010	395.00
00052658	010525 G&K SERVICES	09/28/2010	945.37
00052659	070210 GALL'S INC	09/28/2010	241.72
00052660	071086 GREAT WORKS FAMILY PRACTICE	09/28/2010	255.00
00052661	071100 GREAT WORKS TEST BORING	09/28/2010	21.60
00052662	191330 HANNAFORD'S	09/28/2010	238.38
00052663	080248 HANSCOM'S TRUCK STOP INC	09/28/2010	3,595.97
00052664	080450 HARVARD PILGRIM HEALTH CARE	09/28/2010	20,189.53
00052665	080500 BEVERLY HASTY	09/28/2010	48.50
00052666	081055 FERN HOULIARES	09/28/2010	193.70
00052667	081305 HSE GOULD	09/28/2010	230.00
00052668	090460 INTERSTATE BATTERY/MAINE	09/28/2010	187.90
00052669	100150 JANETOS MARKET	09/28/2010	63.37
00052670	100475 JORDAN EQUIPMENT CO	09/28/2010	1,400.00
00052671	141367 KONE INC	09/28/2010	175.50
00052672	127000 CORRINE J MAHONY	09/28/2010	610.00
00052673	132400 MAINE SAD #35	09/28/2010	522.74
00052674	133375 MAINE ENERGY RECOVERY CO.	09/28/2010	1,958.06
00052675	133195 MAINE TURNPIKE AUTHORITY	09/28/2010	16.20
00052676	133358 W.B.MASON	09/28/2010	95.98
00052677	133925 MINUTEMAN TRUCKS INC	09/28/2010	483.81
00052678	134300 MAINE MUNICIPAL EMPLOYEES	09/28/2010	3,594.50

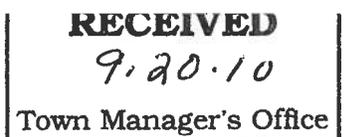
TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00052679	140531 NATIONAL PEN CORPORATION	09/28/2010	100.40
00052680	141394 NATIONAL TELEPHONE/TECH	09/28/2010	104.00
00052681	140825 NE FIRE EQUIP & APPARATUS CORP	09/28/2010	357.50
00052682	140600 NEPTUNE INC	09/28/2010	1,383.85
00052683	141080 NEXTEL	09/28/2010	18.90
00052684	140300 NATIONAL FIRE PROTECTION	09/28/2010	270.00
00052685	141300 NO.BERWICK LUMBER & HARDWARE	09/28/2010	44.25
00052686	141384 CRITICAL ALERT SYSTEMS	09/28/2010	24.52
00052687	200700 PIKE INDUSTRIES INC	09/28/2010	375.65
00052688	160360 PIQUETTE & HOWARD ELECTRIC	09/28/2010	622.05
00052689	160400 PITNEY BOWES	09/28/2010	138.00
00052690	160692 POLAND SPRING	09/28/2010	122.05
00052691	160900 PORTLAND NORTH TRUCK CENTER	09/28/2010	1,026.35
00052692	161265 PORTSMOUTH FORD	09/28/2010	50.83
00052693	180125 RANSOM ENVIRONMENTAL INC	09/28/2010	602.50
00052694	180185 RCP LLC	09/28/2010	387.50
00052695	180400 RED'S SHOE BARN INC	09/28/2010	90.00
00052696	180601 JUSTIN RIPLEY	09/28/2010	20.00
00052697	180900 ROBBINS AUTO PARTS INC	09/28/2010	42.48
00052698	191320 SHERWIN-WILLIAMS	09/28/2010	71.65
00052699	191900 SO BERWICK EMERGENCY RESCUE	09/28/2010	7,138.84
00052700	192650 SO BERWICK SEWER DISTRICT	09/28/2010	175.10
00052701	193622 SPRINGER ELECTRICAL SERV INC	09/28/2010	647.06
00052702	193639 STANTEC CONSULTING SERV INC	09/28/2010	2,860.00
00052703	193640 STAPLES	09/28/2010	98.94
00052704	200620 THOMAS & MEANS LAW FIRM	09/28/2010	195.00
00052705	201150 ANNMARIE TOWNSEND	09/28/2010	51.75
00052706	133115 TREASURER,STATE OF ME/LIC	09/28/2010	160.00
00052707	201300 TWO-WAY COMMUNICATION SERV INC	09/28/2010	2,866.84
00052708	210540 UNIVERSAL RECYCLING TECH, LLC	09/28/2010	19.56
00052709	210380 UNITED PARCEL SERVICE	09/28/2010	12.79
00052710	211500 VERIZON WIRELESS	09/28/2010	640.60
00052711	230915 WHITED TRUCK CENTERS	09/28/2010	831.32
00052712	231375 WINWORKS SOFTWARE	09/28/2010	295.00
00052713	240900 YORK COUNTY REGISTRY OF DEEDS	09/28/2010	65.00
Total Not Prepaid			75,037.19
Total Prepaid			23,413.99
Grand Total			98,451.18

**Wellesley Nursery School in the Hills
207 Washington Street
Wellesley Hills, MA 02481**

Virginia Smith Alterio
Director

1-781-237-9137
NAEYC Accredited



September 15, 2010

Dear Town Council Members,

We live at 6 Vine Street and our property abuts Martha and Frank Patstone's property at 4 Vine Street. For the past year we have had to look at a stove and refrigerator, wrapped in a blue tarp, placed directly on the front sidewalk of the front door entrance to their house. We also have had to look at the huge amount of debris located in their driveway and in the garage, which has been left unfinished from the initial building permit issued a number of years ago. Also, the side porch of the home entrance is littered with various items. The town has asked Martha Patstone to remove the items, offered to let her dump them for free at the dump and even has tried to arrange for someone to come and get all of the items. Martha has refused, stating that she needs all of these items.

Hence, my letter to you. Is there any code violation or town ordinance that forces compliance for debris left outside of a person's home? If the answer is no, I am asking that some type of code be developed to help protect homeowners like myself and my husband, who work extremely hard to maintain a property that presents itself well to the community. Our house is also located in the Historical District and number 4 Vine Street is just not acceptable in its presentation. Please consider this request so that we may get some help in resolving this unfortunate situation.

Marc and I appreciate anything you can do to remedy this situation or any other situations like ours. We are happy to discuss this with you and look forward to a resolution. Thank you!


Ginny Smith Alterio

--
Ginny Smith Alterio

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 28, 2010	Item # UB 1
Agenda Item: Sign Shoreland Zoning Map	
Interim Town Manager's Recommendation	
The final version of the Shoreland Zoning Map has been printed for signatures. Joe Rousselle, CEO and Kate Pelletier, Planning Coordinator have reviewed the map for accuracy.	
Requested Action	
Motion to authorize the Chairman and the Town Clerk to sign the Shoreland Zoning Map.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 28, 2010	Item # NB 1
Agenda Item: Appoint Planning Board Alternate	
Interim Town Manager's Recommendation	
Warren Spencer has applied for a position on the Planning Board. At this time there is an open alternate position.	
Requested Action	
Motion to appoint Warren Spencer as an alternate to the Planning Board with a term to expire in June 2013.	
Vote	



TOWN OF SOUTH BERWICK
BOARD/COMMITTEE APPLICATION

Committee desired: Planning

PERSONAL INFORMATION

Name: Warren C. Spencer Date: 7/10/10
 Address: 99 Portland St
South Berwick Me. 03908
 Telephone: (home) _____ (work) _____ (cell) _____

BUSINESS/EDUCATIONAL BACKGROUND
(You may attach a resume if you prefer, please be specific)

Spencer Financial 10-09 to Present
Edward Jones 02-98 - 10/09
Hennepin Savings BK 04-91 - 02-98

MUNICIPAL OFFICES HELD or PREVIOUS BOARD EXPERIENCE
(In South Berwick or elsewhere)

Board/Committee	Appointment Date	Term Expiration
<u>Historical Dist Comm.</u>	<u>2003</u>	<u>2006?</u>
_____	_____	_____

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

would need to listen & be respectful to those ideas & concerns

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

a people person, financial aware, has dealt with planning of banks & developments

COMMITMENT LEVEL

Are you available to commit to this committee for a minimum of three years?
 Number of hours you are able to commit to this committee/board per week:

4
4-5
Warren C. Spencer
 Applicant's signature

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 28, 2010	Item # NB 2
Agenda Item: Punkin Town Road and CMP Corridor TIF District Development Program Draft	
Interim Town Manager's Recommendation	
I am in receipt of the first draft of the development program for the newly designated TIF district. I have placed this item on the agenda this evening for discussion.	
Requested Action	
Council wishes.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 28, 2010	Item # NB 3
Agenda Item: Draft PACE Ordinance	
Background Information:	
<p>In order for our residents to qualify for Property Assessed Clean Energy (PACE) loans the Council will need to enact a PACE Ordinance. Dana Fischer, the Residential Program Specialist for Efficiency Maine Trust will be here tomorrow evening to discuss this program and clarify any confusion which may have been created by earlier press releases.</p> <p>Efficiency Maine Trust hopes to make loans available to our community in mid to late November. This Ordinance and a contract with the Trust will need to be completed prior to funding.</p> <p>In order to meet the schedule set by Efficiency Maine I have added this to the agenda in the event the Council wishes to be poised to move forward quickly. Alternatively, this item may be tabled until after the workshop with Mr. Fischer.</p>	
Requested Action	
Motion to schedule a public hearing on October 12 th at 6:30 pm.	
Vote	

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Administration by the Efficiency Maine Trust

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Ordinance, the Town of South Berwick declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title

This Ordinance shall be known and may be cited as “the Town of South Berwick Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

- 1. Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
 - A. Will result in increased energy efficiency and substantially reduced energy use and:
 - (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy, Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
 - B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
- 2. Municipality.** “Municipality” shall mean the Town of South Berwick.
- 3. PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
- 4. PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
- 5. PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

- 6. PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
- 7. PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
- 8. PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
- 9. Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.
- 10. Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
- 11. Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

- 1. Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.
- 2. Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. Standards adopted; Rules promulgated; model documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE VI – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 28, 2010	Item # NB 4
Agenda Item: Office Coverage for Election Day	
Interim Town Manager's Recommendation	
<p>Our substitute office staff will no longer be available to work in the Clerk's Office on Election Day. This will leave one Customer Service Clerk in the office for the day (noon to 5 pm). This is not preferable for control and safety reasons. I request the Council approve the closure of the Clerk's Office on Tuesday November 2nd. This will give the staff plenty of time to advertise the schedule change.</p> <p>Other offices will open as scheduled.</p>	
Requested Action	
Motion to authorize the Town Clerk to close the business office on Tuesday November 2, 2010.	
Vote	