

South Berwick Town Council January 28, 2014

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

Approval of Minutes

1. Board of Assessors 1-14-14: On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to adopt the minutes as written.
2. Council 1-14-14: On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes **after correcting the spelling of Mr. Abell's name** under Council Comments #3.

Treasurer's Warrant – Jan 28, 2014

On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant in the amount of \$194,408.82.

Public Comment

None

Reports & Presentations

1. Dana Totman, Avesta Housing President, gave the Council an update on funding sources for the proposed senior housing project. The initial application for funding was denied by the Maine State Housing Authority. Approvals are based on various criteria including the characteristics of the community and location of the project. It often takes 2-3 tries to get approved.

Mr. Totman went on to explain that Avesta has been seeking other funding sources. Currently there are three commitments for funding: a \$500,000 grant and an \$800,000 low interest loan from the Federal Home Loan Bank and an \$880,000 grant. He added that there are still several chances in 2014 to obtain more funding through the Maine State Housing Authority.

Mr. Ellsworth suggested that the Purchase & Sale Agreement be amended to extend the secured funding date to February 1, 2015 and the closing date to August 31, 2015.

Council consensus was to place the action of amending the Agreement on the next agenda.

Town Manager's Report

-Made note that we are using plenty of salt. We have had to purchase a special mix to work in the extreme cold.

-Made note that we had our 1st Department of Labor OSHA inspection in the last 12 years. The inspection took place over a 5 day period and encompassed all Town buildings. We have received a citation for 5 items totaling \$4250 and have 15 days to respond. The problem areas are mostly in record keeping and training. Some of the deficiencies have already been rectified and policies and procedures will be reviewed and properly updated. Mr. Ellsworth stated that he intends to file an appeal and hopes that the fine will be reduced.

-Commented that he and Mr. Kareckas testified at the hearing in Augusta on LR 2721 **"An Act Related to the Report of the Tax Expenditure Review Task Force Pursuant to PL 2013, c. 368, Part S."**

-Stated that the Planning Board would like to meet with the Council to go over a roads ordinance and to exchange ideas and get direction for future work. It was agreed to try to schedule the workshop for February 4th at 6:30pm.

Unfinished Business

1. Mike Hasty, Waterside Lane, presented the Council with his updated draft of a proposed **Resolution opposing the "Fast Track"** executive authority of the Trans Pacific Partnership (TPP) Agreement. He also provided additional information from news articles, web blogs, and statements from state and federal representatives.

Mr. Ellsworth stated that the item was placed on the agenda to gauge Council interest in pursuing the matter.

-Mrs. Demetracopoulos stated that she would like to see public education and input on the issue before the Council decides whether to take action.

-Mr. Kareckas concurred with Mrs. Demetracopoulos; more public outreach is necessary. He went on to say that he did not want to put the burden on staff and suggested Mr. Hasty consider passing a petition. He added that he would like to focus on the home rule aspect.

Mr. Ellsworth stated that the Town could offer space in the auditorium for an informational meeting and publication of the meeting notice on the website.

New Business

1. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to **accept Mike McGinness' resignation from the Recreation Committee.**

2. On a motion by Mr. Abell, seconded by Mr. Kareckas, it was unanimously voted to approve and **sign the Town Manager's** performance evaluation dated December 3, 2013 as presented.

-Mr. Webster stated that he has delivered everything he promised.

-Mr. MacPherson stated that he has met his goals.

-Mrs. Demetracopoulos stated that he has exceeded expectations.

Council Member Comments

1. Mr. Webster:

-Commented that handicap accessibility at the Transfer Station needs to be looked at. Someone in a wheel chair is not able to access the bins for glass and cans.

-Commented that it is nice to know that the ice rink is being used.

2. Mrs. Demetracopoulos:

-Thanked Mr. Ellsworth and Mr. Kareckas for attending the hearing in Augusta.

3. Mr. Abell:

-Thanked Mr. Ellsworth and Mr. Kareckas for attending the hearing in Augusta. Commented that he would have liked to attend.

-Made note of the fundraiser geography bee at Great Works School this Friday night.

4. Mr. Kareckas:

-Commented that on January 22nd he and Manager Ellsworth testified in front of the Appropriations Committee in favor of LR 2721. The proposed legislation would address the issue of automatic reductions in municipal revenue sharing **created by Part S of last year's revenue sharing agreement. "The administration is out to attack revenue sharing and fails to recognize that all taxpayers pay the bills. "Once revenue sharing is gone the problem will still be there".**

He asked that his testimony, the Manager's testimony, and the email to Senator Hill be included in the record.

Mr. Kareckas went on to say that we have no means of making up the \$400,000 except to raise property taxes; and that is simply unacceptable.

Mr. Ellsworth added that we are looking at a loss of \$426,000 in revenues. We have cut everything we can.

Executive Session

On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to enter executive session at 7:47pm pursuant to 1MRSA 405.6A to discuss the Manager's contract.

The following was reported to the Clerk:

On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to end the executive session at 8: 15pm.

Adjournment

On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 8: 16pm.

Attested:

Barbara Bennett, CCM

DRAFT

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00034193	189999 REFUNDS	02/11/2014	2.76
00034194	132500 SECRETARY OF STATE M/V	02/11/2014	11,111.72
00034195	071500 GUNSTOCK GROUP SALES	02/11/2014	789.00
00034196	031915 CRANMORE MOUNTAIN RESORT	02/11/2014	900.00
00034197	010336 AGGREGATE RECYCLING CORP	02/11/2014	998.58
00034198	010500 ALL STATES ASPHALT INC	02/11/2014	2,975.00
00034199	010740 AMERIFLEX	02/11/2014	729.00
00034200	011250 TREASURER, STATE OF MAINE	02/11/2014	380.00
00034201	020790 APPLIED INDUSTRIAL TECH	02/11/2014	115.85
00034202	021576 JANETTE BIRCH	02/11/2014	67.56
00034203	022240 GARY BOUCHER	02/11/2014	41.10
00034204	022503 SHARON BRASSARD	02/11/2014	86.80
00034205	030510 CENTRAL MAINE POWER	02/11/2014	502.82
00034206	030725 CITIZENS BANK (CHG)	02/11/2014	7.87
00034207	030920 CLEAN-O-RAMA	02/11/2014	43.48
00034208	031425 COLONIAL LIFE & ACCIDENT INS.	02/11/2014	1,159.53
00034209	031579 CONSTELLATION NEW ENERGY	02/11/2014	2,075.18
00034210	032030 CUMMINS NORTHEAST INC	02/11/2014	641.54
00034211	040300 DEMCO	02/11/2014	160.30
00034212	040800 DOUCETTE EXCAVATING	02/11/2014	990.00
00034213	041100 DOWLING CORPORATION	02/11/2014	1,252.54
00034214	050815 EMPLOYEE HEALTH & BENEFITS	02/11/2014	678.72
00034215	060100 HOWARD P FAIRFIELD INC	02/11/2014	967.32
00034216	070200 P GAGNON & SON INC	02/11/2014	900.28
00034217	070320 GETTY IMAGES INC	02/11/2014	780.00
00034218	070800 W.W.GRAINGER INC.	02/11/2014	9.16
00034219	080248 HANSCOM'S TRUCK STOP INC	02/11/2014	22,965.47
00034220	080998 HOME DEPOT	02/11/2014	361.34
00034221	081394 HUSSEY EXCAVATION INC	02/11/2014	140.00
00034222	089050 INDUSTRIAL PROTECTION SERVICES	02/11/2014	730.00
00034223	090120 INLAND FISHERIES & WILDLIFE	02/11/2014	2,227.56
00034224	090375 INTERNATIONAL SALT	02/11/2014	9,539.88
00034225	100475 JORDAN EQUIPMENT CO	02/11/2014	156.89
00034226	110230 KING PINE	02/11/2014	3,076.00
00034227	120510 LAWSON PRODUCTS INC.	02/11/2014	1,047.88
00034228	127000 CORRINE J MAHONY	02/11/2014	2,220.00
00034229	131698 MAINE BETTER TRANSPORTATION	02/11/2014	75.00
00034230	132400 MAINE SAD #35	02/11/2014	587,064.17
00034231	133105 TREASURER OF STATE/C.WPNS	02/11/2014	145.00
00034232	133795 MICK BODYWORKS	02/11/2014	133.09
00034233	133805 MIDDLETON BUILDING SUPPLY	02/11/2014	352.24
00034234	134300 MAINE MUNICIPAL EMPLOYEES	02/11/2014	209.02
00034235	134450 MMTCTA	02/11/2014	110.00
00034236	140105 NAPA OF SOMERSWORTH	02/11/2014	577.17
00034237	140600 NEPTUNE INC	02/11/2014	97.95
00034238	140797 NATURE'S WAY MARKET	02/11/2014	15.44
00034239	140814 NEW ENGLAND DETROIT DIESEL	02/11/2014	582.79
00034240	141000 FAIRPOINT COMMUNICATIONS	02/11/2014	1,312.87
00034242	141367 KONE INC	02/11/2014	206.38
00034243	141370 NORTHEAST HYDRAULICS INC	02/11/2014	194.75
00034244	141426 NORTRAX/POWERPLAN	02/11/2014	900.00
00034245	160275 PHOENIX MANAGEMENT	02/11/2014	228.00
00034246	160278 WASTE ZERO	02/11/2014	20,106.06
00034247	160320 PINE TREE WASTE INC	02/11/2014	3,546.76
00034248	160900 PORTLAND NORTH TRUCK CENTER	02/11/2014	74.02
00034249	170000 QUILL CORPORATION	02/11/2014	88.95

PURCHASE AND SALE AGREEMENT

Amended At a Council Meeting February 11, 2014

The Agreement supersedes sections of an agreement entered into on October 16, 2012 by and between the **Town of South Berwick**, a Maine municipality with a mailing address of 180 Main Street, South Berwick, Maine (hereafter the Seller) and **Avesta Housing Development Corporation** a Maine nonprofit corporation with a place of business and mailing address of 307 Cumberland Avenue, Portland, Maine (hereafter the Buyer).

Amendment #1

Page 3 # 8.a

a. \$5,000.00 as a deposit (“Deposit”) at the time of execution of this Agreement, which shall be kept in a non-interest-bearing account and shall be credited toward the purchase price at the closing. Notwithstanding anything to the contrary in this Agreement, (1) \$1,000.00 of the Deposit shall be nonrefundable and (2) the entire Deposit shall become nonrefundable on February 1, 2014 (2015, except in the event of a default by Seller under this Agreement. **Should the Buyer not have procured funding for the entire project by this date with a closing date of August 31, 2015 any deposits shall not be refundable and all agreements shall be voided.**

Amendment #2

Page 3 #11

1. **Closing:** The closing of this transaction shall take place on or before August 31, 2014 (2015) (“Closing Date”) at the office of the Buyer’s Maine counsel. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the purchase price, the following documents:

Gerald W. MacPherson Sr.

David H Webster

Jean Demetracopoulos

John C. Kareckas

Russell Abell

Dana Totman
AVESTA Housing

Witnessed _____

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 11, 2014	NB #1
Agenda Item: Release Deed	
Department Head: Beverly Hasty, Deputy Tax Collector	
Map 2 Lot 46 – James Turner’s Property foreclosed December 13, 2013. Per Tax Acquired Property Policy Mr Turner made full payment to redeem his property in the allotted time allowed. At this time taxes are paid in full through June 30, 2014.	
Town Manager’s Recommendation	
Sign Release Deed and record at the York County Registry of Deeds.	
Requested Action	
Motion and vote to sign the Release Deed for Map 2, Lot 46, Turner.	
Vote	

**TOWN OF SOUTH BERWICK
RELEASE DEED**

The Town of South Berwick, a Municipal Corporation, located at 180 Main Street, South Berwick, Maine, for consideration paid, **RELEASE TO JAMES R. TURNER**, all of its right, title, and interest in and to the following property acquired by Tax Lien dated June 13, 2012 and recorded in the York County Registry of Deeds on June 13, 2012, in **Book 16343 Page 713** Map 2 Lot 46 as depicted on Town of South Berwick Revised April 2010. Tax Maps prepared by Ransom Environmental Consultants are on file in the Municipal Office of the Town of South Berwick, Maine 03908.

IN WITNESS WHEREOF, the Town of South Berwick has caused this instrument to be executed by Gerald W. MacPherson, Sr., Jean Demetracopoulos, John Kareckas, David H. Webster, and Russell Abell, its Town Council, thereunto duly authorized, the 11th day of February, 2014.

WITNESS TO ALL:

TOWN OF SOUTH BERWICK

BY:

Gerald W. MacPherson, Sr.

David H. Webster

Jean Demetracopoulos

John C. Kareckas

Russell H. Abell

STATE OF MAINE

YORK, SS
February 11, 2014

PERSONALLY APPEARED the above named Gerald W. MacPherson, Sr., Jean Demetracopoulos, John Kareckas, David H. Webster, and Russell Abell, and acknowledged the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said Municipal Corporation.

Before me,

Barbara Bennett
Notary Public

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 11, 2014	NB # 2
Agenda Item: Collective Bargaining w/SB Police Association	
Department Head:	
Town Manager's Recommendation	
Requested Action	
Authorize Town Manager to represent Town for purposes of collective bargaining with the South Berwick Police Association.	
Vote	