

**South Berwick Town Council
Public Hearing
General Assistance Ordinance
Appendices A-D
October 13, 2015**

Chairman John C. Kareckas opened the hearing at 6:30pm. Councilors present included Jean Demetracopoulos, John James, and Laura Leber. Town Manager Perry A. Ellsworth was also in attendance. Mr. Abell was not present.

The purpose of the hearing was to receive public comment on the proposed amendments to the General Assistance Ordinance Appendices A-D.

The appendices are updated annually and set the maximum benefits allowed for food, housing and utilities.

Mrs. Demetracopoulos asked if the new maximums are stable compared to last year. Mr. Ellsworth stated "stable".

No comments from the public were received.

The hearing was closed at 6:33pm.

Attest:

Barbara Bennett, CCM

**South Berwick
Board of Assessors
October 13, 2015**

Chairman John C. Kareckas called the meeting to order at 6:33pm. Assessors present included Jean Demetracopoulos, John James, Russell Abell, and Laura Leber. Town Manager Perry Ellsworth was also in attendance. Assessing Agent Craig Skelton was not present.

1. On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to sign the (Maine Revenue Services) 2015 Municipal Valuation Return. There were no comments or discussion.

At 6:36pm Mr. Kareckas announced that we are out of the Board of Assessors and moving back to the Town Council.

Attest:

Barbara Bennett, CCM
Town Clerk

Draft

**Town of South Berwick
Town Council Meeting
October 13, 2015**

Chairman John C. Kareckas called the meeting to order at 6:36pm. Councilors present included Jean Demetracopoulos, Russell H. Abell, John James, and Laura Leber. Town Manager Perry A. Ellsworth was also in attendance.

Approval of Minutes

1. Council 09-22-15: On a motion by Mr. James, seconded by Mr. Abell, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mr. Abell, seconded by Mrs. Leber, it was unanimously voted to sign the warrant dated October 8, 2015 in the amount of \$1,542,888.89. This warrant includes the county taxes, the monthly school payment, bond payment, and the Water District assessment.

Public Comment

None

Reports & Correspondence

1. Eric Bakke Executive Director of York Ambulance Service was present to give the Council an update on the first year of operations since taking over the South Berwick Emergency Rescue. Mr. Bakke explained that the call volume was as expected at 741. The Service has operational stability; although some staffing changes have been made. Finances are better than expected. Memberships are up by about 25%. There has also been increased communication and cooperation with Police, Fire, and several area hospitals.

Mr. Bakke also made note that there will be a seat available on the Board of Directors and asked for the Council's help in soliciting interested parties. Preference would be to those who have expertise in the human resources or health care fields.

Town Manager's Report

-Avesta: - the bridge to the hoop house is done. The ditch has been redesigned. Plans on checking out why it was changed.

- the walking path to Young Street should be opened up in a couple weeks.

- on November 2nd at 10am Avesta will hold a news conference discussing senior housing and its financing.

-Gave an overview of the workshops and annual business meeting at the MMA Convention.

-The new highway trucks should be ready in a couple of weeks. Training on the new equipment will be scheduled. He plans on assigning each truck to a specific driver as their primary truck (except for plowing). This will make people more accountable for the condition of the truck.

-On November 10th Unutil will be holding its annual breakfast meeting if anyone is interested in attending.

-Made note that Gary at the Transfer Station will be out of work for a period of time due to a health issue. Gary's backup Bruce DeVost has recently resigned.

-South Berwick has been selected as the "Client" for a University of Maine Civil Engineering Senior Capstone Project. Civil Engineering students will develop a proposal for the redesign of the Transfer Station during the first semester. During the second semester, students will complete the design, engineering, and make a final report. Mrs. Demetracopoulos recommended that the students seek public input as part of the project.

-The next meeting with the school is here tomorrow morning.

-Still working on the police/dispatch negotiations. Will be meeting again on Friday from 2-4.

-Made note of the agreement the Town has had with Berwick Academy (which expired a number of years ago) regarding the use of the tennis courts. Berwick Academy would like to make them available to the public without the annual \$1000 the Town has been paying. Mr. Ellsworth added that even if usage is free there should be a written agreement to protect the Town's right to use them.

-Discussions are taking place (with Berwick Academy) regarding what is needed to establish a school zone on Academy Street.

-Dispatch services are still being discussed and currently working on the numbers.

-Recently met with York County Managers and Fairpoint to discuss fiber optics. The need for high speed internet is constantly growing.

Mr. James asked about the assessment for a new police station that was due by the end of October. Mr. Ellsworth stated that he is looking at presenting something at the first meeting in November.

New Business

1. On a motion by Mr. Abell, seconded by Mrs. Leber, it was unanimously voted to adopt the MMA General Assistance Ordinance Appendices A, C, & D for October 1, 2015 to September 30, 2016.

2. On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to sign the warrant calling the Municipal Election on November 3, 2015.

3. The Council discussed the proposed changes to the Planning Board's Bylaws. The proposed changes include a change in the time of the meetings and the authority of the Chairman to cancel meetings under certain conditions.

Mr. Ellsworth referenced Chapter A148-4 Amendment of By-laws, which states "The bylaws may be amended by a majority vote of the members, provided that such amendment is read at two successive regular meetings". He then suggested that the proposal be sent back to the Planning Board so that they may hold their two successive readings.

On a motion by Mrs. Demetracopoulos, seconded by Mrs. Leber, it was unanimously voted to send the bylaw changes back to the Planning Board under section A148-4 for them to deal with independently from Council action.

Mr. Ellsworth apologized for bringing it to Council without checking the Code first. The Clerk noted that all policies and bylaws must be approved by the Council. The Manager stated that he "vehemently disagreed with the Clerk".

Mr. Kareckas stated that in either case, the Council has taken action.

4. On a motion by Mr. James, seconded by Mr. Abell, it was unanimously voted to authorize the Town Manager to solicit bids for five air-paks for the Fire Department.

Note was made that we have a total of 21 air-paks and 42 bottles were replaced last year.

5. On a motion by Mr. Abell, seconded by Mrs. Leber, it was unanimously voted to approve the renewal of a liquor license for Mikey's Wicked Good Pizza.

6. On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to approve the renewal of a liquor license and special amusement permit for Isidore on the Rocks. Mrs. Leber abstained from voting stating the owner of the building is a client. Mr. Kareckas made note that #14 on the application was not completed.

At approximately 7:40pm, Mr. Ellsworth asked the Chairman to revisit the discussion on the Planning Board bylaws. He then made reference to the Council Rules (Administrative Code, §3-17E) it states "All bylaws passed by the Town Council shall be termed "ordinances," and the enacting style shall be: Be it ordained by the Town Council.....". Mr. Ellsworth stated that although this section (3-17E) conflicts with the bylaws themselves, something does have to take place by the Council. Mr. Ellsworth asked the clerk if that has been the past practice. The Clerk stated that the Council has always taken action on all bylaws and policies as required by the Code. He added that there are more changes to the bylaws that need to be made. He specifically mentioned that currently the Board would postpone agenda business after 9:00pm and cannot suspend the rules and continue. Mr. James commented that if the bylaws did not come to the Council, this would have been overlooked. He added that Council review is not a bad thing "before making policy that upsets the Town".

Councilor Comments

1. Mr. James:

-Commented that he has received several inquiries as to why there are so many cars parked overnight in town that are not registered in Maine. He added that in one evening he drove around town and counted 30-40 out of state plates.

Made note that the Unitil meeting conflicts with the schools Veteran's Day celebration.

2. Mr. Abell:

-October 23rd the Marshwood Education Foundation will be holding their annual fundraiser at the Outlook Golf Course.

-October 26th will be the Candidates forum by SoBo Central.

-Will be out of town for the meeting on October 27th; Mrs. Demetracopoulos' last. He thanked her for her service to the Town and the mentoring she has provided.

-Asked for the status of the regional maintenance facility. Mr. Ellsworth explained that the Town's lease is up in June 2016; which Mick notified us that they did not want to renew. The school will now be responsible for leasing the space on their own. We are now outsourcing our vehicle maintenance and repairs.

3. Mrs. Demetracopoulos:

-The York River Study Committee is holding its first meeting tonight.

-Route 101 has finally been paved.

-Glad that there will be a candidate's night.

-Made note that the clock is ticking on getting work done in the TIF zone.

-The Veteran's Day celebration at the middle school is always very touching and encouraged everyone to attend.

4. Mrs. Leber:

-Made note that the school held a workshop with its attorney on October 7th to discuss public input at board meetings. She stated that that policy was driven by the attorney's suggestion. The Board is discussing the possibility of have a "public participation" meeting an hour prior to board meetings.

Adjournment

On a motion by Mrs. Leber, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 8:17pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00037632	090151 UNITED STATES TREASURY	10/27/2015	403.31
00037727	132500 SECRETARY OF STATE M/V	10/27/2015	44,230.39
00037728	209999 TAX REFUNDS	10/27/2015	2,383.82
00037729	189999 REFUNDS	10/27/2015	3.00
00037730	010336 AGGREGATE RECYCLING CORP	10/27/2015	2,726.39
00037731	010585 AMAZON	10/27/2015	114.63
00037732	020225 BAKER & TAYLOR	10/27/2015	591.64
00037733	020290 BARCO PRODUCTS	10/27/2015	242.74
00037734	021300 BERNSTEIN SHUR	10/27/2015	22.50
00037735	022850 BUSINESS EQUIPMENT UNLIMITED	10/27/2015	286.50
00037736	022503 SHARON BRASSARD	10/27/2015	24.68
00037737	030510 CENTRAL MAINE POWER	10/27/2015	591.39
00037738	031096 COCHECO VALLEY HUMANE SOCIETY	10/27/2015	100.00
00037739	040130 BOB DEARBORN	10/27/2015	40.00
00037740	040550 ROGER DIONNE	10/27/2015	15.50
00037741	040700 DOOR CONTROL, INC.	10/27/2015	403.61
00037742	050710 ELECTION SYSTEMS & SOFTWARE	10/27/2015	761.02
00037743	060340 FEDCO TRUCK AND EQUIPMENT	10/27/2015	167.66
00037744	060750 FIRE TECH & SAFETY	10/27/2015	1,066.00
00037745	061527 CHARLES FREEMAN	10/27/2015	50.00
00037746	071180 GROUP DYNAMIC INC	10/27/2015	148.50
00037747	191330 HANNAFORD'S	10/27/2015	191.75
00037748	080248 HANSCOM'S TRUCK STOP INC	10/27/2015	5,859.02
00037749	080450 HARVARD PILGRIM HEALTH CARE	10/27/2015	31,439.80
00037750	080504 TOM HASTY	10/27/2015	126.00
00037751	080518 HAYDEE'S PEST FREE MGMT	10/27/2015	45.00
00037752	081055 FERN HOULIARES	10/27/2015	5.75
00037753	081394 HUSSEY EXCAVATION INC	10/27/2015	150.00
00037754	089050 INDUSTRIAL PROTECTION SERVICES	10/27/2015	40.00
00037755	090450 INTERSTATE ALL BATTERY CENTER	10/27/2015	163.30
00037756	100150 JANETOS MARKET	10/27/2015	130.77
00037757	100820 FRED KEEN	10/27/2015	75.00
00037758	141367 KONE INC	10/27/2015	213.29
00037759	121100 LIBRARY JOURNAL	10/27/2015	104.99
00037760	071170 M W GRENIER ENTERPRISES LLC	10/27/2015	53.00
00037761	125975 MAD SCIENCE OF MAINE	10/27/2015	1,475.00
00037762	132400 MAINE SAD #35	10/27/2015	1,059.04
00037763	133195 MAINE TURNPIKE AUTHORITY	10/27/2015	30.60
00037764	133358 W.B.MASON	10/27/2015	49.88
00037765	133795 MICK BODYWORKS INC	10/27/2015	1,370.16
00037766	134300 MAINE MUNICIPAL EMPLOYEES	10/27/2015	4,186.04
00037767	134995 MOVIE LICENSING USA	10/27/2015	1,353.10
00037768	140105 NAPA AUTO PARTS	10/27/2015	58.50
00037769	141368 NORTHEAST EMER APPARATUS	10/27/2015	423.58
00037770	200700 PIKE INDUSTRIES INC	10/27/2015	320.87
00037771	160320 PINE TREE WASTE INC	10/27/2015	2,121.35
00037772	161015 PORTLAND STREET SERVICE CENTER	10/27/2015	655.04
00037773	161315 PRETI FLAHERTY	10/27/2015	250.00
00037774	170000 QUILL CORPORATION	10/27/2015	356.61
00037775	160692 READY REFRESH	10/27/2015	68.71
00037776	200580 ROGER THERRIEN	10/27/2015	1,289.03
00037777	132500 SECRETARY OF STATE M/V	10/27/2015	8,708.82
00037778	193408 SO MAINE PLANNING & DEV	10/27/2015	3,682.45
00037779	193619 SPRING HILL	10/27/2015	390.00
00037780	193640 STAPLES	10/27/2015	264.18
00037781	193660 STARKEY FORD INC	10/27/2015	10.00

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: October 27, 2015	UB #1
Agenda Item: Purchase of 5 new Air-Packs	
Department Head: George Gorman	
Recommendation; Award bid to Fire Tec & safety for 5 Scott Air-packs with mask and two air bottles for a total of \$23,200 See attached sheet from bid opening	
Town Manager's Recommendation:	
Capital Plan for this year allowed for \$28,000 for Air-Pack purchase	
Requested Action: Motion to authorize the Town Manager to award the bid and purchase the Air-Packs from Fire Tech & Safety for a total of \$23,000.	
Vote	

10-21-2015
11:10am

In Attendance:

George Gorman – Fire Chief
Deanna Remick
Beverly Hasty
Fern Houliares
Heather Stanley

Sealed bids for the South Berwick Fire Department for five (5) SCBA Air Paks.

Invitation to bid sent to two companies:

Fire Tech & Safety PO Box 435 Winthrop ME 04364	Bid Received \$23,200.00
Industrial Protection Services 125 John Roberts Road South Portland ME 04106	Bid Received \$23,872.00

Meeting Adjourned
11:15am

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: October 27, 2015	UB #2
Agenda Item: Town Line	
Department Head: Town Manager	
Discussion about the path forward for positioning of the Town Line with Wells	
Town Manager's Recommendation:	
Establish a meeting date with the Town of Wells Selectmen to establish the Town Line location for the next ten years	
Requested Action:	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: October 27, 2015	NB #1
Agenda Item: Post Issuance Compliance Policy	
Department Head Recommendation: Fern Houliares	
<p>Per the attorney involved in the financing paperwork for the new Public Works trucks, the Town should adopt the attached Post Issuance Compliance Policy. These policies are being adopted by municipal bond issuers due to increased attention by the IRS to tax code compliance. When issuing tax exempt bonds or leases, a tax form must be completed with verification of a written policy. This policy will improve the chances the Town will comply with all tax regulations applicable to municipal bonds and leases and not raise any “red flags” with the IRS. Ideally, the policy should be in effect prior to the closing for the trucks.</p>	
Town Manager’s Recommendation	
Requested Action	
Adopt Post Issuance Compliance Policy per attorney recommendation.	
Vote	

TOWN OF SOUTH BERWICK, MAINE
POST ISSUANCE COMPLIANCE POLICY

The Town of South Berwick, Maine (the “Town”) issues tax-exempt bonds from time to time to finance various capital improvements. As an issuer of such tax-exempt bonds, the Town is required by the Internal Revenue Code of 1986, as amended, (the “Code”) and regulations promulgated by the United States Treasury Department to take certain actions subsequent to the issuance of such bonds to ensure the continuing tax-exempt status of the bonds.

The Town recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of a bond issue, and is an integral component of the Town’s overall debt-management responsibilities. These requirements apply equally to capital leases. Accordingly, the implementation of these requirements will require on-going monitoring and consultation with Bond Counsel.

Issuance.

The Town Council shall approve the terms and structure of bonds issued by the Town. Such bonds shall be issued in accordance with United States Treasury Department Regulations, the Internal Revenue Code of 1986, as amended, State statutes and the Town’s Charter. Specific post-issuance compliance procedures are addressed below.

General Procedures.

The following guidelines will be used to monitor compliance with post-issuance requirements:

1. The Town’s Treasurer shall serve as the Compliance Officer and shall be the person primarily responsible for ensuring that the Town successfully carries out its post-issuance responsibilities. The Treasurer shall be assisted by the following persons or entities:
 - a. Bond Counsel
 - b. Financial Advisor
 - c. Paying Agent
 - d. Rebate Specialist

The Treasurer shall be responsible for assigning post-issuance responsibilities to other staff, Bond Counsel, the Financial Advisor, the Paying Agent and the Rebate Specialist, and shall utilize such other professional services as are necessary to ensure compliance with all post-issuance requirements.

2. The Treasurer shall verify that the following post-issuance actions have been taken on behalf of the Town with respect to each issue of tax-exempt bonds:
 - a. Ensure that a full and complete record for the principal documents of each the issue has been completed by Bond Counsel and the Financial Advisor;
 - b. Ensure that the Internal Revenue Service (IRS) forms 8038 are properly

- filed with the IRS by Bond Counsel within the time limits imposed by Section 149(e) of the Code;
- c. Account for the allocation of the proceeds of the tax-exempt bonds to expenditures as required by the Code;
- d. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditures of the issue proceeds;
- e. Identify proceeds of tax-exempt obligations, in consultation with Bond Counsel and the Financial Advisor, that are yield-restricted and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the bond yield to which such investments are restricted;
- f. Determine, in consultation with Bond Counsel and the Financial Advisor, whether the Town is subject to the rebate requirements of Section 148(f) of the Code and related Treasury Regulations with respect to each issue of the Town. The Treasurer shall contact a Rebate Specialist, as required, prior to the fifth anniversary of the date of issuance of each issue and each fifth anniversary thereafter until the obligation has matured to arrange for calculation of the rebate requirements, as needed, to be paid by the Town. If any rebate is required to be paid to the IRS, the Town Treasurer will file Form 8038-T, along with the required payment.
- g. Shall monitor the use of all financed facilities in order to determine whether private business uses of financed facilities have exceeded the de minimus limits set forth in Section 141(b) of the Code (generally a value or benefit equal to 10% of issue proceeds) that provide special legal entitlements to non-governmental persons.
- h. With the assistance of professional services as needed, shall ensure that any and all nonqualified bonds are remediated according to the requirements of the Code and relevant regulations.

3. The Treasurer shall collect and retain the following records with respect to each issue of tax-exempt obligations and with respect to the facilities financed with the proceeds of such Obligations:

- a. Audited financial statements of the Town;
- b. Appraisals, surveys, feasibility studies, if any, with respect to the facilities to be financed with issue proceeds;
- c. Trustee or Paying Agent statements;
- d. Records of all investments and the gains (or losses) from such investments;
- e. Expenditures reimbursed with the issue proceeds;
- f. Allocation of issue proceeds to expenditures (including cost of issuance) and the dates and amounts of each expenditure (including requisitions, draw down schedules, invoices, bills and cancelled checks as related to each expenditure);
- g. Construction or renovation contracts for financed facilities or projects;
- h. Maintain an asset list of all tax-exempt financed depreciable property and

- sales of tax-exempt financed assets;
- i. Arbitrage rebate reports and records of rebate and yield reduction payments, if any;
- j. Orders, Resolutions and other actions, if any, adopted by the Town subsequent to the date of issue of the obligations; and
- k. Relevant correspondence relating to such bonds.

The records collected by the Town shall be stored in any format deemed appropriate by the Treasurer and shall be retained for a period equal to the life of the tax-exempt obligations, including the life of any obligations issued to refund obligations, plus three (3) years.

4. In addition to its post-issuance compliance requirements under the Code and Treasury Regulations, the Town has agreed to provide Continuing Disclosure, such as annual financial information and material event notices when required. The continuing disclosure obligations are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12 under the Securities and Exchange Act of 1934, as amended and officially interpreted from time to time.

Adopted: _____

John C Kareckas

Jean Demetracopoulos

Russell H Abell

John J James

Laura S Leber

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: October 27, 2015	NB #2
Agenda Item: Maintenance Facility	
Department Head: Town Manager	
Start discussion of the transfer the Maintenance Facility lease to RSU 35	
Town Manager's Recommendation:	
Town Manager will explain the transition	
Requested Action: Allow the Town Manager to move forward with the process	
Vote	