

**South Berwick
Town Council Meeting
October 27, 2015**

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

Approval of Minutes

1. Public Hearing 10-13-15 General Assistance Ordinance: On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to adopt the minutes as written.
2. Board of Assessors 10-13-15: On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to adopt the minutes as written.
3. Council 10-13-15: On a motion by Mr. James, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mrs. Leber, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant dated October 22, 2015 in the amount of \$124,108.96.

Public Comment

None

Town Manager's Report

- Two of the new highway trucks should be here in a couple of weeks. The other two should be here by November 15th. We are trading in four of the old trucks at a value of \$58,000 toward the new ones. Training is also being scheduled for the operators.
- The school will hold its annual Veteran's Day Celebration on November 10th.
- Negotiations with the Police/Dispatch union are ongoing. Another meeting is scheduled for Thursday at 2:00pm.
- The Business Office will be short staffed for an (as yet) unknown length of time due to a health issue for a member of the staff. He will post a letter to the website explaining that there could be delays and extended wait times in the office.
- The assessment for Police space is continuing. Recently visited the Sanford Police Station that was built several years ago. Preliminary numbers indicate that we need a 7,000sf facility to accommodate our needs.
- Monday, November 11th Avesta will be holding a press conference in front of the new facility. After the press conference the parking lot will be closed off so that striping can be done.
- Made note of a request from the Ogunquit River Coastal Communities Grant group for a representative from South Berwick to participate. They are specifically interested in someone that has public works or sewer background.
- Discussions have begun regarding economic development and TIF's, especially regarding the five lots in the industrial zone. We need to determine what types of businesses we want.
- The regular meeting with the school will be on Thursday, November 12th.
- Wednesday, November 4th is the Keep South Berwick Warm Soup Supper at Spring Hill.
- Made note of Paul Hussey's retirement from the baseball and softball league. Paul was very instrumental in promoting baseball and participating in every aspect of keeping the league going. He is largely responsible for much of the fundraising, seeing that facilities were built, improved upon, and maintained. His involvement will be greatly missed. He also made note that Councilor John James is retiring from the league. He plans to meet with Paul and John to go over the operations and what the plans will be for the future. Kudos to Paul and John for their efforts throughout the years.

Unfinished Business

1. On a motion by Mr. James, seconded by Mrs. Demetracopoulos, it was unanimously voted to award the bid for 5 Scott Air-Packs to Fire Tech & Safety in the amount of \$23,000.
2. Mr. Ellsworth informed the Council of the ongoing work to re-establish the town line with Wells. At this point, all parties involved agree with the survey company that the existing line will continue as the line. Today's technology (GPS, etc) does not indicate that there would be any value in changing the line. A meeting with the Wells Selectmen will need to be scheduled for action and approval of the line as established.

New Business

1. Post Issuance Compliance Policy: The Manager explained that the Town's Attorney recommended instituting the policy. This policy will affect the Town's future bonding ability. It was agreed that the policy should be held for the next meeting for a second reading.
2. The Manager gave a brief history of the status of the regional maintenance facility. On or before December 31st, he intends to give official notice to Mr. Tobey that the Town will not be renewing its lease that expires June 30, 2016. We will continue to sublease to the school until that date. As of July 2016 the school will be responsible and assume its own 5 year lease with Tobey.

The Town will retain some of the tools and equipment for our own use and some will be sold.

On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to authorize the Manager to move forward with the transition of the regional maintenance facility to SAD #35.

Councilor Comments

1. Mrs. Leber:
 - Thanked Jean for her years on the Council and service to the Town.
2. Mr. James:
 - Thanked Cristale Wellwood and Tom Chase for coming to tonight's meeting and participating in the candidate's forum on Monday.
 - Commented that he had the pleasure of working with Paul Hussey for 17 years in the baseball program. Paul was always available to jump in when needed and will be greatly missed.
 - Thanked Jean for all of her efforts and has greatly appreciated her guidance.
3. Mr. Kareckas:
 - Read a note from former Councilor Mitch Kareckas expressing her appreciation for Jean's efforts.
 - Thanked Jean for her dedication (first worked together on the 1989 Comp Plan). He added that it has been great to share things through the years. By applying her wisdom and experience she always tried to do her best for the Town.
4. Mrs. Demetracopoulos:
 - Stated that it has been a "real pleasure" serving. She thanked the Manager for making a difficult job easier. She thanked the Clerk for keeping the Council on the right path. She also thanked the Town staff for its professionalism. She added that as new projects are on the horizon, such as a new home for the Police Department, it is time for someone new to step up and take on the challenge.

Mr. Kareckas presented Mrs. Demetracopoulos with an heirloom rocking chair commemorating her service on behalf of the Town.

Adjournment

On a motion by Mrs. Demetracopoulos, seconded by Mrs. Leber, it was unanimously voted to adjourn the meeting at 7:32pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00037790	132500 SECRETARY OF STATE M/V	11/10/2015	21,107.75
00037791	041365 DUSTON'S BAKERY	11/10/2015	39.40
00037792	010040 AAA POLICE SUPPLY	11/10/2015	798.00
00037793	011250 TREASURER, STATE OF MAINE	11/10/2015	51.00
00037794	020225 BAKER & TAYLOR	11/10/2015	195.72
00037795	021095 BARBARA BENNETT	11/10/2015	190.54
00037796	021510 TOWN OF BERWICK	11/10/2015	7,944.03
00037797	021500 BERWICK ACADEMY	11/10/2015	238.85
00037798	022850 BUSINESS EQUIPMENT UNLIMITED	11/10/2015	8.00
00037799	021668 BLOW BROS	11/10/2015	52.00
00037800	022240 GARY BOUCHER	11/10/2015	64.40
00037801	030250 JAMES CASSELL	11/10/2015	61.32
00037802	030510 CENTRAL MAINE POWER	11/10/2015	949.31
00037803	030725 CITIZENS BANK (CHG)	11/10/2015	450.28
00037804	031355 TERRIE COLLINS	11/10/2015	100.00
00037805	031425 COLONIAL LIFE & ACCIDENT INS.	11/10/2015	1,102.37
00037806	031579 CONSTELLATION NEW ENERGY	11/10/2015	1,988.40
00037807	040700 DOOR CONTROL, INC.	11/10/2015	1,528.00
00037808	041000 DOVER MOTOR MART FM	11/10/2015	2,067.32
00037809	141000 FAIRPOINT COMMUNICATIONS	11/10/2015	1,296.58
00037811	070200 P GAGNON & SON INC	11/10/2015	1,615.01
00037812	070210 GALLS LLC	11/10/2015	1,662.04
00037813	180478 GENEST PRECAST	11/10/2015	130.00
00037814	070620 GORRILL-PALMER ENGINEERS INC	11/10/2015	1,000.00
00037815	071090 GREAT WORKS REGIONAL LND TRUST	11/10/2015	100.00
00037816	071050 GREAT FALLS CLEANERS	11/10/2015	424.00
00037817	191330 HANNAFORD'S	11/10/2015	377.61
00037818	080248 HANSCOM'S TRUCK STOP INC	11/10/2015	5,363.56
00037819	080320 JON THOMAS HARMON	11/10/2015	208.58
00037820	081305 HARRISON SHRADER ENTERPRISES	11/10/2015	2,156.61
00037821	080500 BEVERLY HASTY	11/10/2015	79.23
00037822	080998 HOME DEPOT	11/10/2015	90.45
00037823	081055 FERN HOULIARES	11/10/2015	19.99
00037824	087000 IAAO	11/10/2015	190.00
00037825	087001 IAAO/MAINE CHAPTER	11/10/2015	35.00
00037826	090120 INLAND FISHERIES & WILDLIFE	11/10/2015	1,830.75
00037827	100150 JANETOS MARKET	11/10/2015	80.30
00037828	100175 JENKINS FUEL INC	11/10/2015	249.90
00037829	100475 JORDAN EQUIPMENT CO	11/10/2015	1,238.06
00037830	100870 KENNEBUNK SAVINGS BANK	11/10/2015	40,000.00
00037831	120970 LIBBY SCOTT INC.	11/10/2015	18,679.00
00037832	132400 MAINE SAD #35	11/10/2015	620,919.75
00037833	133285 MARKET BASKET	11/10/2015	288.30
00037834	133438 JEREMIAH MERCHANT	11/10/2015	17.85
00037835	133795 MICK BODYWORKS INC	11/10/2015	1,559.66
00037836	134300 MAINE MUNICIPAL EMPLOYEES	11/10/2015	150.54
00037837	134400 MAINE MUNICIPAL ASSOCIATION	11/10/2015	208.00
00037838	140809 NEW ENGLAND COACH	11/10/2015	600.00
00037839	200700 PIKE INDUSTRIES INC	11/10/2015	154.25
00037840	160320 PINE TREE WASTE INC	11/10/2015	3,167.81
00037841	160650 POIRIER GUIDELINES	11/10/2015	3,475.52
00037842	180125 RANSOM CONSULTING ENGINEERS	11/10/2015	1,312.50
00037843	180409 JAY REDIMARKER	11/10/2015	15.05
00037844	190400 TOWN OF SCARBOROUGH	11/10/2015	275.00
00037845	190680 SEACOAST REDICARE	11/10/2015	72.00
00037846	132500 SECRETARY OF STATE M/V	11/10/2015	22,801.39

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: November 10, 2015	UB #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: November 10, 2015

John C Kareckas

John J James

Russell H Abell

Thomas A. Chase

Laura S Leber

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: November 10, 2015	NB #1
Agenda Item: Maintenance Facility MOU	
Department Head: Town Manager	
Town Manager's Recommendation:	
See agreement	
Requested Action: Motion to allow the Town Manager to sign a Memorandum of Understanding with RSU 35 pertaining to future usage of the Maintenance Facility on Route 4 in Berwick	
Vote	



Town of South Berwick

180 MAIN STREET
SOUTH BERWICK, MAINE 03908-1535
TEL. 207-384-3300
FAX: 207-384-3303

November 10, 2015

Memorandum of Understanding

This Memorandum of Understanding between MSAD #35 and the Town of South Berwick serves as a supplement to the Lease Agreement dated 7/18/06 as extended on 2/4/11 and remains in effect until the expiration of the lease on 6/30/16. The Town of South Berwick agrees to continue the lease with Mick Construction, Inc., until 6/30/16 and to continue to sublease the space to MSAD #35 until 6/30/16. The Town of South Berwick further agrees to relinquish the use of the third bay, the small bay, and office space and to remove all town equipment and materials not transferred to MSAD #35 from these areas effective 1/1/16. The third bay will be made available to Mick Construction, Inc., for use by the company and the small bay and office space will be made available to MSAD #35 for use by the District Transportation Department. MSAD #35 agrees to allow the Town of South Berwick to store agreed upon items in the designated storage area until a more suitable storage facility is available to the town. MSAD #35 further agrees to assume operational control of the diesel storage tank and process the proper documents to effect the transfer of responsibility for the tank to the district.

Superintendent
MSAD #35

Date

Town Manager
Town of South Berwick

Date

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: November 11, 2015	NB #2
Agenda Item: Medical Marijuana Growth Businesses	
Department Head: Town Manager	
Town Manager's Recommendation:	
Requested Action: Discuss action, if any, pertaining to an ordinance controlling where Medical Marijuana Growth businesses will be allowed	
Vote	