

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, May 17, 2017
Followed the Public Budget Hearing
Bath City Hall Auditorium

Councilors Present: Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo and Madame Chair Eosco

Also in attendance were the City Manager William Giroux, City Solicitor Roger Therriault and City Clerk Mary White.

I. Order: To prepare and post Notice of Election for the State of Maine Referendum Election to be held on June 13, 2017. (6:03 PM)

Madame Chair Eosco read the following Order:

ORDER

In City Council
May 17, 2017

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of State of Maine Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at Bath Middle School, 6 Old Brunswick Road, on Tuesday, June 13, 2017 for the purpose of determining the following question:

Question To Be Voted On:

Question1: Bond Issue:

Do you favor a \$50,000,000 bond issue to provide \$45,000,000 in funds for investment in research, development and commercialization in the State to be used for infrastructure, equipment and technology upgrades that enable organization to gain and hold market share, to increase revenues and to expand employment or preserve jobs for Maine people, to be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in a one-to-one ration and \$5,000,000 in funds to create jobs and economic growth by lending to or investing in small businesses with the potential for significant growth and strong job creation?

A person may register to vote and/or enroll in a political party on or before election day. Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed on June 13, 2017 at the Bath Middle School at 6 Old Brunswick Road and will be processed from 5:00 PM-8:00 PM until all ballots have been processed at the Bath Middle School, 6 Old Brunswick Road.

The polls shall be opened at 8:00am and closed at 8:00pm.

Councilor Omo made a motion to put this Order on the floor for discussion. Councilor Paulhus seconded the motion.

There were no Council or Public comments.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

II. Order: To prepare and post warrant for Regional School Unit #1 Budget Validation Election to be held on June 13, 2017. (6:06 PM)

Madame Chair read the following Order:

ORDER

In City Council

May 17, 2017

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Regional School Unit #1 Budget Election will be held on the Tuesday following the second Monday of June, the same being the 13th day of said month, in the Year of our Lord Two Thousand Seventeen, at 8' O'clock in the forenoon, then and there, to cast their votes for the following question:

Question 1: Do you favor approving the Regional School Unit #1 budget for the upcoming school year that was adopted at the latest Regional School Unit budget meeting and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Omo seconded the motion.

There were no Council or Public comments.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

III. Order: To set Registrar's Hours for the State Referendum and RSU #1 Elections to be held on June 13, 2017. (6:08 PM)

Madame Chair Eosco read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm Monday through Friday prior to the State of Maine Referendum Election and RSU #1 Budget Validation Election to be held Tuesday, June 13, 2017 except for Tuesday, June 6, 2017 from 5:00pm to 7:00pm at the City Clerk's Office, 55 Front Street.

Voters may register on the Day of the Election from 8:00AM to 8:00PM at the polls at the Bath Middle School, 6 Old Brunswick Road.

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Omo seconded the motion.

There were no Council or Public comments.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

IV. Bond Ordinance: Authorizing issuance of a General Obligation Bond in the amount not to exceed \$621,000.00 for the purpose of funding certain vehicles, equipment. (first passage) (6:09 PM)

Councilor Omo made a motion to waive the reading of the Ordinance. Councilor Comeau seconded the motion.

VOTE on waiving motion:

YEAS: Nordmann, Wyman, Omo, Comeau, Bauer, Park

NAYS: Page, Paulhus

Motion passed. 6-2

BOND ORDINANCE

AUTHORIZING UP TO \$621,000 OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE ACQUISITION OF VEHICLES AND EQUIPMENT

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum of up to, but not to exceed, \$621,000, plus the sale premium of and investment earnings on the bonds authorized in Section 2 below, is hereby appropriated for the purpose of funding the following projects, including issuance costs therefore:

- Fire Chief Vehicle
- Cemeteries Chipper
- Police Vehicle
- Ambulance
- Plow Truck

- Dump Truck
- Street Sweeper

- Section 2.** That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$621,000 under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.
- Section 3.** That any and all bonds or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager.
- Section 4.** That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3), pursuant to Section 807 of the City Charter.
- Section 5.** That the term of any bonds issued pursuant to this Ordinance shall not exceed eleven (11) years.
- Section 6.** That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.
- Section 7.** That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized to make any bonds or notes in anticipation thereof issued pursuant to this Ordinance subject to prepayment and call for redemption with or without premium prior to the stated maturity date at the election of the City.
- Section 8.** That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.
- Section 9.** That the bonds or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.
- Section 10.** That in the event the City Treasurer elects to issue such bonds or notes in anticipation thereof through the Maine Municipal Bond Bank (the "Bond Bank"), that the City Treasurer and the Chair of the City Council and the City Manager be and hereby are authorized, on behalf of the City, to enter into a loan agreement with the Bond Bank in conjunction with the issuance of the bonds or notes, in the aggregate principal amount not to exceed \$621,000 with a term not to exceed the term of the bonds or notes, said loan agreement to be in the usual and ordinary form utilized by the Bond Bank in connection with its General Resolution Program, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the Treasurer, the Chair of the City Council and the City Manager may approve, their approval to be conclusively evidenced by the execution thereof.

- Section 11.** That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds or notes in anticipation thereof.
- Section 12.** That if the City Treasurer, Chair of the City Council, City Manager, or Clerk are for any reason unavailable to approve and execute the bonds or notes in anticipation thereof issued pursuant to this Ordinance, any loan agreement or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
- Section 13.** That during the term any of the bonds authorized hereby are outstanding, the City Treasurer is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 11 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.
- Section 14.** That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Councilor Omo made a motion to put this Bond Ordinance on the floor for discussion. Councilor Paulhus seconded the motion.

City Manager Giroux gave details regarding this Bond Ordinance.

There were no Council or Public comments.

ROLL CALL VOTE on Bond Ordinance:

YEAS: Page, Paulhus, Nordmann, Wyman, Omo, Comeau, Bauer, Park

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair Eosco set second passage of this Ordinance for June 7, 2017 at 6:01 PM.

V. Ordinance: Supplemental Appropriation in the amount of \$289,000.00 (first passage) (6:13 PM)

Madame Chair Eosco read the following Ordinance:

ORDINANCE
SUPPLEMENTAL APPROPRIATION

WHEREAS, the City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance Account, constituting revenue in excess of those estimated in the Budget for the current fiscal year, are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Two Hundred Eighty-Nine Thousand Dollars (\$289,000.00), will not exceed the expenditure limits for the current fiscal year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of Two Hundred Eighty-Nine Thousand Dollars (\$289,000.00) be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account 01-2500-00) to the Council Contingency Account (Account 01-0012-402).

Councilor Wyman made a motion to put this Ordinance on the floor for discussion. Councilor Omo seconded the motion.

City Manager Giroux explained this was an annual appropriation to keep the City Budget within the Expenditure Limitation Cap.

ROLL CALL VOTE:

YEAS: Park, Bauer, Comeau, Omo, Wyman, Nordmann, Paulhus, Page

NAYS: None

Ordinance passed. 8-0

Madame Chair Eosco set second passage of this Ordinance for June 7, 2017 at 6:02 PM.

The meeting adjourned at 6:17 PM with a motion by Councilor Wyman, seconded by Councilor Omo. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. An audio recording of the meeting is available for review in the City Clerk's Office during regular business hours.