

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, December 20, 2017
Followed by a Council Workshop
Council Chamber
Bath City Hall

Councilors Present: Bailey, Comeau, Bauer, Park, Ambrosino and Madame Chair Eosco
Councilors Absent: Paulhus, Nordmann and Wyman

Also in attendance were the interim City Manager Peter Owen, City Solicitor Roger Therriault and City Clerk Mary White.

I. PUBLIC HEARING: Bond Ordinance: Authorizing issuance of General Obligation Bonds in the amount not to exceed \$621,000.00 to finance the purchase of various City vehicles and equipment. (second passage) 6:01 PM

Councilor Park made a motion to waive the reading of the Ordinance. Councilor Bauer seconded the motion.

VOTE on waiving motion:
Motion passed unanimously. 5-0

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 Bauer made a motion to put this Item on the floor for discussion. Councilor Park seconded the motion.

Interim City Manager Owen stated this Bond Ordinance was being brought back for second passage as it had first passage in June 2017 but the publishing requirements for second passage had not been met.

Madame Chair Eosco opened the public hearing for comments. Seeing no comments she closed the public Hearing.

ROLL CALL VOTE on Bond Ordinance:

YEAS: Bailey, Comeau, Bauer, Park, Ambrosino

NAYS: None

Ordinance passed unanimously. 5-0

Madame Chair Eosco stated this would become law in 21 days.

II. ORDER: Council approval of an annual Blanket Letter of Approval on all renewals to operate Games of Chance and/or Beano Games (private clubs, etc.) (motion to grant approval) 6:04 PM

Madame Chair read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath,

That, the City Clerk be authorized to send a "Blanket Letter of Approval" on all renewals to operate Games of Chance and/or Beano Games in accordance with the provisions of the State.

For the following:

American Legion, Smith Tobey Post #21
Bath Area Senior Citizens
Bath Lodge of Elks
Columbian Club, Inc.

Councilor Bauer made a motion to put this Item on the floor for discussion. Councilor Comeau seconded the motion.

City Clerk White explained that this matter had to be brought back to Council from last month due to the State Department of Games of Chance/Gambling had made some recent legislative changes to the Statutes that govern this matter and they wanted the Veterans of Foreign Wars/Auxiliary be removed from the list of organizations to be approved as they were no longer doing games of chance.

VOTE on Order:

YEAS: 5

NAYS: 0

Order passed unanimously. 5-0

CITY OF BATH, MAINE

City Hall, 55 Front Street
Bath, Maine 04530



CITY CLERK'S OFFICE

Telephone: (207) 443-8332
Facsimile: (207) 443-8387

December 20, 2017

Department of Public Safety
Gambling Unit
87 State House Station
Augusta, ME 04333

To Whom It May Concern,

Please be advised that at Special Meeting of the Bath City Council held on December 20, 2017, the undersigned Municipal Officers hereby certify that they consent to a "Blanket Letter of Approval" of all renewals to operate a Game of Chance and/or Beano Games in accordance with the provisions of M.R.S. Title 17, Chapter 13A – Bingo and Chapter 62 – Games of Chance, as amended, to the following organizations:

American Legion, Smith Tobey Post #21
Bath Area Senior Citizens
Bath Lodge of Elks
Columbian Club, Inc.

This "Blanket Letter of Approval" will be in force through December 31, 2018.

Phyllis Bailey
Phyllis Bailey, Ward 1

Did not attend meeting
Sean Paulhus, Ward 2

Did not attend meeting
Terry Nordmann, Ward 3

Did not attend meeting
Bernard Wyman, Ward 4

David Comeau
David Comeau, Ward 5

Susan Bauer
Susan Bauer, Ward 6

Arnon Park
Arnon Park, Ward 7

Mar H. Fosco
Mar H. Fosco, At Large

Julie Ambrosino
Julie Ambrosino, At Large

Mary J. White
Attest: Mary J. White, City Clerk

SHIPS • HERITAGE • PROGRESS

Councilor Park made a motion at 6:05 PM to go into Executive Session to discuss a Personnel Matter per 1 MRSA §405(6)(A). Councilor Bailey seconded the motion. All were in favor of the motion.

Councilor Bauer made a motion at 6:17 PM to come out of Executive Session. Councilor Ambrosino seconded the motion. All were in favor of the motion.

The meeting adjourned to a Workshop regarding Councilor Assignments to City Committees and Councilor Goals 2018 at 6:18 PM with a motion by Councilor Bauer. The motion was seconded by Councilor Bailey. 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.