

Select Board Minutes: March 15, 2016

The meeting was called to order at 7:00 PM by Chair Donald Burke. Present were Select Board members Marlene Libby, Scott Wiley and Donald Burke. Also present were Road Commissioner Curtis Starrett, Jen Pendleton, John Fenner, Lori Costigan & Peter Beckett.

Minutes of the March 8, 2016 meeting were accepted as corrected.

Road Commissioner:

The winter sand bid for next winter was approved with minor corrections. The ad will be in the paper twice, posted in Town and on the Town's website. Starrett has checked out Whitney Road where it is draining onto a homeowner's lawn and will be able to fix it as soon as the roads dry up. He has spoken with the homeowner. Mike Burns from the MDOT will meet with the representatives of the Town on April 20th at 9:00 AM to review plans for Rte 131 in the village. The new Driveway/Road Entrance Permit was approved, being more specific to indicate that the permit is only to access the Town's right of way, not to construct a driveway or private road. A letter will go out to the winter maintenance contractor stating that the Board's interpretation of the requirement that the use of a single rear wheel 1-ton vehicle by the winter maintenance contract is not allowed, regardless of the number of vehicles.

Select Board:

Penelope Olson was in to request speed limit changes on Sennebec Road in the village as well as signage changes at the intersection of Peabody and Sleepy Hollow Roads. Olson suggested signs to curb roadside littering as well as educating our school age children about not littering. Some roads are being kept clean by efforts of local residents to pick up litter. Olson also suggested the Board look into a way to be in contact with senior citizens living alone, on a daily basis as a 'well being check'.

A list of assessing duties that Becky works on has been presented to be considered in preparing the new assessors' agent contract. Opinions from the state assessors office will be considered on whether or not to assess personal property.

Warrants # 70, 71 & 72 were signed.

After a discussion of the school bond approved by the voters on March 1st, the following motion furnished by the bond attorney was made by Burke and seconded by Wiley: I move that the resolution entitled, "Resolution to Authorize Issuance of General Obligation Bonds in Principal Amount Not to Exceed \$573,000 for Phase I of Renovations, Repairs and Improvements to the Appleton Village School," be adopted in form presented to this meeting and that an attested copy of said Resolution be filed with the minutes of this meeting. The motion was passed, 3-0. (note: the Resolution is affixed to and a part of these minutes).

Burke has spoken with the attorney for USDA about the process of Statutory Discontinuance of a section of the Miller Cemetery Road so that the issue can be resolved at the June Town Meeting.

An email from the Town of Union has informed the Board that Sterling Ambulance will no longer provide emergency medical services and transportation and advising that The Board should post the notice and remind people to call 911 in an emergency. Burke will see that the notice gets posted.

The new draft Personnel Policy will be distributed with paychecks today, distributed to the members of the Fire Department and posted for 30 days.

The Board will be meeting with a representative of Mid Coast School of Technology and Mid Coast Economic Developing District at the March 29th Select Board Meeting.

The issue of inspection stickers on Luce Transportation buses was brought up. No action was taken, as the school board has been made aware of the issue.

As there was no other business the meeting was adjourned at approximately 8:00 PM.

Prepared by D. Burke

Minutes of the March 15, 2016 Meeting of the Appleton Board of Selectmen

Approved by:

Donald H. Burke 3/22/2016
Donald H. Burke

Scott L. Wiley 3/22/2016
Scott L. Wiley

_____ 3/22/2016
Marlene J. Libby

A True Attested Copy: Pamela J. Smith 3/22/2016
Pamela J. Smith

*Also attached a true attested copy of the Resolution to Authorize Issuance of General Obligation Bond.

(minutes of 3/15/16)

COPY

March 15, 2016

Motion: I move that the resolution entitled, "Resolution to Authorize Issuance of General Obligation Bonds in Principal Amount Not to Exceed \$573,000 for Phase I of Renovations, Repairs and Improvements to the Appleton Village School," be adopted in form presented to this meeting and that an attested copy of said Resolution be filed with the minutes of this meeting.

**RESOLUTION TO AUTHORIZE ISSUANCE OF GENERAL OBLIGATION BONDS
IN PRINCIPAL AMOUNT NOT TO EXCEED \$573,000 FOR PHASE I OF
RENOVATIONS, REPAIRS AND IMPROVEMENTS TO THE APPLETON VILLAGE SCHOOL**

WHEREAS, at a Special Town Meeting duly called and held on March 1, 2016, the voters of the Town of Appleton (the "Town") authorized the Town to renovate, repair and improve the Appleton Village School at the current school site at a cost not to exceed \$650,000 to be funded through issuance of general obligation bonds or notes in the name of the Town (the "Project"); and

WHEREAS, as explained in the public hearing regarding the Project and Project funding, the Project will be completed and funded in phases, with Phase I not to exceed \$573,000 and Phase II not to exceed an amount such that the total Project cost will not exceed \$650,000.

NOW THEREFORE, BE IT RESOLVED by the Board of Selectmen as follows:

1. That, pursuant to Section 5772 of Title 30-A of the Maine Revised Statutes and approval of the voters of the Town at a Special Town Meeting duly called and held on March 1, 2016, the Chairperson of the Board of Selectmen (the "Chair") and the Treasurer of the Town of Appleton (the "Treasurer") are hereby authorized to issue general obligation bonds on behalf of and in the name of the Town in an aggregate principal amount not to exceed \$573,000 and notes in anticipation thereof (collectively, the "Bonds") to fund the costs of Phase I of the Project;
2. That the Treasurer is authorized to prepare, issue and provide for sale of the Bonds at one time or from time to time, as one or more separate issues, and to determine the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption with or without premium, form(s) and other details of the Bonds, including execution and delivery of the Bonds against payment therefor; and, further, that said notes in anticipation thereof may be issued and sold on a drawdown basis and with a maturity date not later than three years from their date of issuance;
3. That the Treasurer is authorized to arrange for the sale of the Bonds at public or private sale to such parties, including the Maine Municipal Bond Bank, as the Treasurer determines to be in the Town's interest, and to execute and deliver loan agreements and other contracts for that purpose in form approved by bond counsel, all on such terms not inconsistent with this Resolution as the Treasurer shall approve;
4. That the Bonds be executed and delivered by the Treasurer, countersigned by the Chair, and attested by the Clerk of the Town under the official seal of the Town, if applicable, and otherwise be in such form and contain such terms and provisions not inconsistent herewith, as they shall approve, their approval to be conclusively evidenced by their execution thereof, and that any signature thereon may be by facsimile to the extent permitted by law;
5. That the Treasurer is authorized to designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

6. That no part of the proceeds of the Bonds shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Bonds to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141 of the Code;
7. That in connection with the Bonds, the Treasurer is authorized to execute and deliver on behalf of the Town an Arbitrage and Use of Proceeds Certificate in form approved by the Town's bond counsel, and to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, and to take all other lawful actions necessary to ensure that the interest on the Bonds will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;
8. That the Bonds be issued in the name of the Town and in registered form transferable only on the registration books of the Town, which registration books may be kept by the Town or its transfer agent, upon surrender thereof with a written instrument of transfer, duly executed by the registered owner or his/her attorney duly authorized in writing;
9. That the proceeds of the Bonds, including any investment earnings on the Bonds, be appropriated for the costs of the Project; and that excess proceeds of the Bonds, if any, be appropriated, first, to any costs of the Project in excess of the principal amount of the Bonds and, second, in accordance with the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds, if applicable, including, to the extent permitted thereunder, to the Town's general fund;
10. That an amount sufficient for the payment of the annual payments of principal and interest on the Bonds, not payable from other sources, shall be included in the tax levy of each year until the debt represented by the Bonds is extinguished;
11. That the Treasurer, Chair, Clerk and other proper officials of the Town are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds and the accomplishment of the Project herein authorized;
12. That, should the Treasurer, Chair or Clerk for any reason be unavailable to, as applicable, approve, execute or attest the Bonds or any related financing documents, the person or persons then acting in any such capacity, whether as successor, assistant, deputy or otherwise, is authorized to act for such unavailable official with the same force and effect as if such official had himself/herself performed such act;
13. That, if any of the officers or officials of the Town who have signed, attested or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed, attested and sealed shall have been actually authenticated or delivered by the Town, such Bonds nevertheless may be authenticated, delivered and issued with the same force and effect as though the person or persons who signed, attested or sealed the Bonds had not ceased to be such officer or official; and, also, any such Bonds may be signed, attested or sealed on behalf of the Town by those persons who, at the actual date of execution of the Bonds, shall be the proper officers or officials of the Town, although at the nominal date of the Bonds any such person shall not have been such officer or official;
14. That the Treasurer in consultation with bond counsel is authorized to implement written procedures with respect to the Bonds for the purpose of: (i) ensuring timely "remedial action" for any portion of the Bonds that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and (ii) monitoring the Town's compliance following the issuance of the Bonds with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder;

15. That the Town hereby resolves and declares its official intent pursuant to Section 1.150-2(e) of the Treasury Regulations that the Town reasonably expects to use the proceeds of the Bonds to reimburse certain original expenditures from the Town's general or other fund, paid not earlier than 60 days prior to adoption of this Resolution or to be paid, which original expenditures have been or will be incurred in connection with costs of the Project; and that the Town reasonably expects that the maximum principal amount that the Town will issue to finance the Project is \$650,000; and further that an attested copy of this declaration of official intent be kept in the permanent records of the Town; and
16. That the Clerk file an attested copy of this Resolution with the minutes of this meeting.

Dated: March 15, 2016

Donald Buel Scott Wiley
Marlene Holby

Being a majority of the members of the Board of Selectmen

A true copy, attest:

Pamela J. Smith
Pamela J. Smith, Clerk

(Note: Include a copy of this Resolution in the meeting minutes.)