

CALAIS CITY COUNCIL
October 26, 2017

The second regular monthly meeting of the Calais City Council was held this date in the Council Chambers of the Calais City Building at 6:00 p.m.

Present was Mayor Howard presiding over Councilors Geel, Sherrard, Rogers, Mingo, and Moreside.

On a motion by Councilor Sherrard and a second by Councilor Mingo, it was unanimously voted to approve the following consent agenda:

- A. Previous Minutes
- B. Treasurer's Warrants City through October 25, 2017
\$ 541,187.70
- C. Treasurer's Warrants School through October 25, 2017
\$ 322,589.12
- D. Treasurer's Warrants Water through October 25, 2017
\$ 65,711.76
- E. Perpetual Care Application – Richard Roussel Lot by Richard Roussel
- F. Notice of Election – State and Municipal – November 7, 2017
- G. Liquor License, Victualer's License and Special Amusement Permit – St Croix Bowling Club

The Mayor then called for a Public Hearing on the proposed Ordinance authorizing the issuance of a General Obligation Bond of the City up to \$1,600,000 to support its Broadband Project.

Following the Public Hearing, with all comments in favor of this ordinance, it was moved by Councilor Rogers, seconded by Councilor Moreside, and unanimously voted to adopt this proposed ordinance.

INSERT ORDINANCE

The City Manager then gave his report. He asked that the Council consider suspending the Council Rules and add the following items to the Agenda:

- 1. Lioness Christmas Parade
- 2. Intent to fill paramedic position
- 3. Executive Session, Union negotiations

Attendance

Consent Agenda

Public Hearing – Broadband
Project Bond Ordinance

City Manager Report –
suspend rules to add agenda
items

CITY OF CALAIS, MAINE—ORDINANCE
AUTHORIZATION OF THE ISSUANCE OF A GENERAL OBLIGATION BOND OF
THE CITY (UP TO \$1,600,000) TO SUPPORT ITS BROADBAND PROJECT

The City of Calais (the "City") hereby ordains as follows:

Section 1. That under the constitution and laws of the State of Maine and pursuant to Section 5772 of Title 30-A, M.R.S.A., the Charter of the City and other applicable authority, the City is hereby authorized to borrow from a lending institution to be selected by the City Treasurer a cumulative principal amount not to exceed One Million Six Hundred Thousand dollars (\$1,600,000), for a period not to exceed twenty (20) years, at such interest rate or rates and on such further terms and conditions as may be determined by the City Council (the "Council"), with principal and interest to be payable at least annually, the proceeds to be used, directly or indirectly, to support the City's efforts to develop and finance a local broadband utility to expand broadband access in the City (the "Broadband Project"), and the obligations of the City with respect to such borrowing will be evidenced by one or more General Obligation Bonds of the City to be executed and delivered on behalf of the City by the City Treasurer and to be countersigned by a majority at least of the Council in a cumulative principal amount not to exceed \$1,600,000 (the "Bond"). It is the intention of the Council to contribute the proceeds of the Bond to the Downeast Broadband Utility, which in turn will use the funds to develop and implement a broadband network in the City, although at the option of the Council the proceeds may be directed toward the expansion of broadband service in the City in another manner.

Section 2. That in anticipation of the receipt of the Bond proceeds for the Broadband Project and pursuant to the authorities set forth above, the City is hereby authorized to borrow from a lending institution selected by the City Treasurer a principal amount not to exceed One Million Six Hundred Thousand dollars (\$1,600,000) and in evidence thereof to execute and deliver its General Obligation Bond Anticipation Note (the "Note") of the City for a period not to exceed a total of three years at an interest rate and subject to such other terms and conditions as the City Treasurer and, by their signatures, a majority at least of the City Council shall approve, and such Note, together with the interest thereon, shall constitute a general obligation of the City, and shall be executed and delivered on behalf of the City by the City Treasurer and countersigned by a majority at least of the Council, and such Note shall be repaid from the proceeds of the Bond.

Section 3. That the City Treasurer, the City Manager and the Mayor, and each of them individually, are hereby authorized to execute such certificates, loan agreements and other documents and do all things necessary or convenient to issue the Bond and the Note.

Section 4. That the term of the Bond shall not exceed the estimated period of utility of the Broadband Project, which is hereby estimated to be not less than 30 years, and further that sufficient taxes shall be levied by the City each year that the Bond or the Note are outstanding to pay all principal and interest due and payable in that year pursuant to such Bond or Note as are then outstanding, and that such amount of principal and interest shall be included in the tax levy of the City for each year until the Bond has been paid in full.

Section 5. That the City Clerk shall distribute a copy of this Ordinance to each Council member and to the City Manager, and shall file a reasonable number of copies of this Ordinance at City Hall and such other places as may be directed by the City Manager.

Section 6. That a public hearing shall be held at 6:00 p.m. in the City Council Chambers of the City Building in Calais, Maine on October 26, 2017 for the purpose of taking testimony and comments from the public with respect to this Ordinance, the Broadband Project and the proposed issuance of the Bond, and that notice of the public hearing be given by the City Clerk by publishing a summary of this ordinance in the Calais Advertiser on or about October 19, together with a notice setting forth the time and place for the public hearing, and for consideration of the proposed ordinance by the City Council at the meeting to be held on October 26 immediately following the public hearing.

Section 7. That all actions taken to date by the municipal officers of the City related to the sale of the Note and Bond authorized hereby be and they hereby are ratified, approved and confirmed.

Section 8. That the law firm of Eaton Peabody is hereby designated as Bond Counsel for the City to advise the City with respect to the issuance and sale of the Note and the Bond, and to prepare documents and render opinions as may be necessary or convenient for that purpose.

Section 9. That the municipal officers and officials of the City are hereby authorized to execute any and all documents and certificates, and to take all actions, including affixing the seal of the City, as may be necessary or convenient to carry out the intent of this Ordinance, and further that if any member of the City Council or officer of the City who has signed or sealed the Note or the Bond or any certificate delivered in connection therewith shall cease to be such officer or official before the Note or Bond have been authenticated or delivered by the City, such Note or Bond nonetheless may be authenticated, issued and delivered with the same force and effect as though the person or persons who signed or sealed such Note or Bond had not ceased to be such officer or official; and any such Note or Bond may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Note or Bond shall be the proper officers and officials of the City, although at the nominal date of such Note or Bond such person or persons shall not be such officer or official.

Section 10. That as soon as practicable after adoption of this ordinance, the City Clerk shall publish a summary of this ordinance in the Calais Advertiser together with a notice of its adoption.

I certify that I am the duly qualified City Clerk of the City of Calais, Maine and that the foregoing ordinance was introduced at the regularly scheduled meeting of the City Council on October 12, 2017, and was adopted by the City Councilors of the City of Calais at the meeting of the City Council on October 26, 2017 duly called and legally held in accordance with the laws of Maine and the City Charter, that the meeting was open to the public and that adequate and proper notice thereof was given in accordance with the laws of Maine and the City Charter, and that such ordinance has been entered into and become a part of the permanent records of the City and remains in full force and effect and has not been rescinded or amended.

CITY OF CALAIS, MAINE

By: 
Theresa Porter
City Clerk

(SEAL)

Dated at Calais, Maine
October 26, 2017

On a motion by Councilor Sherrard and a second by Councilor Mingo, it was unanimously voted to approve the application for the Annual Lioness Christmas Parade on Friday, December 1st at 6:00 p.m.

It was moved by Councilor Moreside, seconded by Councilor Mingo, and unanimously voted to authorize the City Manager to fill the paramedic position at Calais Fire/EMS.

The following Council Committee reports were submitted:

1. **Finance Committee** – no report
2. **Property Committee** – no report
3. **Public Safety Committee** – no report
4. **Public Works Committee** – no report
5. **School Liaison Committee** – will meet in mid November
6. **Economic/Community Development Committee** – no report

The City Manager reported that he has mailed the letters to the legislative Delegation and others asking for help with Calais Regional Hospital collecting debt. Has received some response.

The CDRC reported on the Scarecrowfest events being held downtown this Saturday.

A workshop on planning for the International Festival was held prior to the Council Meeting with ideas of soliciting help from the various service organizations in the community.

Other items addressed with no Council action being taken at this time included:

- need for meeting on Revolving Loan Fund
- concerns with newspaper article on raising taxes, Council wants it known that they will not raise taxes.
- Chambers of Commerce Awards
- Good Luck and Thanks extended to and from Councilors running for re-election
- Basketball Court in Red Beach in need of repair
- Swimming Pool leaks?
- County Tax proposed increase

On a motion by Councilor Mingo and a second by Councilor Geel, it was unanimously voted to retire into Executive Session at 6:41 for the following items:

Lioness Christmas Parade

Paramedic Position

Committee Reports

Calais Regional Hospital

CDRC report

International Festival

Other Items


Executive Session

- A. Poverty Abatement Request
- B. Legal Issue
- C. Union Negotiations

Open Session resumed at 7:04 p.m.

It was moved by Councilor Sherrard, seconded by Councilor Moreside, and unanimously voted to grant a Poverty/Infirmity abatement of the 2015 Taxes, Interest and costs of account #2307.

There being no further business to come before the City Council at this time, it was moved by Councilor Sherrard, seconded by Councilor Mingo, and unanimously voted to adjourn this meeting at 7:08 p.m.

ATTEST: 
Theresa M Porter, City Clerk

Poverty/Infirmity Abatement