

AGENDA REQUEST

\* Please note Public Notices need a 7-14 day advance notice in the paper depending on subject.

Council Meeting Date: September 11, 2017	Today's Date: September 1, 2017
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Department: Town Clerk/Manager

Department #: 0101/0100

**Request:**

The Council has a decision to make before this order can move ahead to the voters. Will the question on the ballot for the remaining balance of the fire truck be paid for by unassigned funds or taking out a bond?

**SUGGESTED MOTION:** Under Section 802 of the Town Charter, and on its own initiative, the Town Council directs that the enactment of its order to fund the purchase of a new fire truck by appropriating funds from the Reserve Account for Fire Engine Purchases, the 2017-2018 Capital Budget for Fire Engines and **[Unassigned Funds] OR [issuance of a bond of the Town to finance the remainder]** be voted upon at the November 7, 2017 municipal election and that the final language of its Order to carry out the terms of this action be prepared by the Town Manager in consultation with the Town Attorney and filed with the Town Clerk on or before September 25, 2017, that a public hearing on said Order be noticed at least seven (7) days prior to said hearing and be held on or before October 18, 2017

Action Needed From Council: Decide if the remaining balance of the fire truck will be paid with unassigned funds OR through the issuance of a bond.

Is This Item Budgeted:

Was This A Bid Process: Lowest Bid:

Is Public Hearing Required:

If So What Dates:

TOWN OF LINCOLN ORDER NO. 2017-1

ORDER OF THE LINCOLN TOWN COUNCIL AUTHORIZING THE APPROPRIATION OF FUNDS NOT TO EXCEED THE AMOUNT OF \$340,000 FOR THE PURPOSE OF PURCHASING A NEW FIRE TRUCK.

THE TOTAL PROJECT COST WILL NOT EXCEED \$340,000. THE TOWN OF LINCOLN WILL APPROPRIATE \$202,500 FROM RESERVE ACCOUNTS FOR FIRE ENGINE PURCHASES, \$75,000 FROM THE 2017-2018 CAPITAL BUDGET FOR FIRE ENGINES, AND UP TO \$62,500 FROM UNASSIGNED FUNDS.

The Town Council of the Town of Lincoln (the "Town") met at the Town Office in Lincoln, Maine, on September 11, 2017, at 6:00 p.m. Present were the following Town Councilors: Stephen Clay, George Edwards, Jeffery Gifford, Sheldon Hanington, Marscella Ireland, Sharon Sibley and John Trask.

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being a majority of the Council of the Town, of which there are seven (7), together with Town Clerk Ann Morrison and Town Manager John Sutherland. The Chairman presided and the Clerk kept the record.

The Councilors discussed the matter of purchasing a new fire engine, and appropriating funds for that purpose. The meeting was open to the public, which was notified of the meeting by notice posted at least seven days in advance of the meeting in public and conspicuous places in the Town. Upon motions made and duly seconded, the following votes were unanimously adopted:

Now therefore be it ORDERED by the Town of Lincoln as follows:

Section 1: That under the Constitution and laws of the State of Maine and pursuant to the Charter of the Town, the Town of Lincoln is hereby authorized to enter into a contract to acquire a new fire engine from Lakes Region Fire Apparatus (the "Project"), with the details of the contract to be negotiated by the Town Manager.

Section 2: That the Town shall appropriate funds for the purchase from the following accounts:

From the Reserve Account for Fire Engine Purchases: \$202,500  
From the 2017-2018 Capital Budget for Fire Engines: \$75,000  
From Unassigned Funds: the balance, not to exceed \$62,500

the proceeds of said appropriations to be used to fulfill the contract and fund the Project. The said expenditure will be voted upon by the Town Council after a successful referendum vote.

Section 3: That the Town Clerk shall distribute a copy of this order to each Council member and to the Town Manager, and shall file a reasonable number of copies of this order in the office of the Town Clerk and shall post a copy of this order together with a Notice of Public Hearing at the following public places:

The Lincoln Town Office, 63 Main Street, Lincoln, Maine

The Lincoln Memorial Library, 21 West Broadway, Lincoln, Maine

as well as such other public and conspicuous places as may be directed by the Town Manager.

Section 4: That a public hearing be held at 7:00 p.m. in the Town Council Chambers at 63 Main Street, in Lincoln Maine on September 11, 2017 for the purpose of taking testimony and comments from the public with respect to whether the Town shall enter into the Project and make the appropriations discussed in this order, and that notice of the public hearing be given by the Town Clerk by publishing a summary of this order in the local newspaper on or before August 31, 2017, together with a notice setting forth the time and place for the public hearing.

Section 5: That all actions heretofore taken by the Town of Lincoln relating to the Project and the appropriations discussed herein be and they hereby are ratified, approved and confirmed.

Section 6: That the municipal officers and the Town Manager are hereby authorized to execute all documents and certificates, and to take all actions as may be necessary or convenient to carry out the full intent of and authorizations in the foregoing sections.

Section 7: That pursuant to Article VIII, Section 802 of the Charter of the Town of Lincoln, the foregoing order shall go into effect only upon approval by the voters of the Town of Lincoln at a referendum election to be held on Tuesday, November 7, 2017. Be it further ordered that, pursuant to Article VIII, Section 802, of the Charter of the Town of Lincoln the referendum election of the Town of Lincoln is to be held on the ballot question as substantially set forth below:

#### THE TOWN OF LINCOLN BALLOT QUESTION NO. 1

QUESTION 1: Shall the Order 2017-1 of the Lincoln Town Council, authorizing the Town to appropriate an amount not to exceed \$340,000 to purchase a new fire engine by appropriating \$202,500 from the Reserve Account for Fire Engine Purchase, \$75,000 from the 2017-2018 Capital Budget for Fire Engine, and an amount not to exceed \$62,500 from Unassigned Funds, be approved?

SUMMARY: The Town wishes to acquire a new fire engine. The cost of the engine must not exceed \$340,000. The Town has set aside \$202,500 in a reserve account to fund the project. The remainder of the cost would be appropriated from this year's budget for fire engine capital accounts to the extent of \$75,000, with the remainder appropriated from Unassigned Funds. **[NTD: it might be useful to say something about why a new fire engine is necessary at this time, or what capacity the new engine would have that the Town cannot currently meet or some such]**

\_\_\_\_\_  
George Edwards, Chairman

\_\_\_\_\_  
Jeff Gifford, Vice Chair

(SEAL)

\_\_\_\_\_  
Stephen Clay, Councilor

\_\_\_\_\_  
Sheldon Hanington, Councilor

\_\_\_\_\_  
John Trask, Councilor

\_\_\_\_\_  
Sharon Sibley, Councilor

\_\_\_\_\_  
Marscella Ireland, Councilor

I certify that I am the duly qualified Town Clerk of the Town of Lincoln, Maine, and that the foregoing order was adopted by the Town Council of the Town at meeting of said Town Council duly called and legally held in accordance with the laws of Maine and the Charter and governing ordinances of the Town on September 11, 2017, and 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 Town, and that such order has been entered into and become a part of the permanent records of the Town and remains in full force and effect and has not been rescinded or amended.

TOWN OF LINCOLN

(SEAL)

\_\_\_\_\_  
Ann Morrison, Town Clerk

Dated: \_\_\_\_\_, 2017

TOWN OF LINCOLN, MAINE

NOTICE OF A PUBLIC HEARING TO APPROVE LINCOLN TOWN COUNCIL ORDER  
2017-1, AUTHORIZING APPROPRIATION OF UP TO \$340,000 TO FINANCE A FIRE  
ENGINE PURCHASE

The Town Council of the Town of Lincoln will hold a Public Hearing on September 11, 2017, at 7:00 p.m. at the Municipal Office, located at 63 Main Street in Lincoln to, among other matters, consider approval of Town Council Order 2017-1, which would authorize the appropriation of Town funds in an amount not to exceed \$340,000 to purchase a fire engine. The public is invited to attend. Written comments received before the meeting will be considered.

TOWN OF LINCOLN ORDER NO. 2017-1

ORDER OF THE LINCOLN TOWN COUNCIL AUTHORIZING THE APPROPRIATION OF FUNDS NOT TO EXCEED THE AMOUNT OF \$340,000 FOR THE PURPOSE OF PURCHASING A NEW FIRE TRUCK, AND BORROWING AN AMOUNT NOT TO EXCEED \$62,500 TO FINANCE CERTAIN COSTS OF THE PURCHASE.

THE TOTAL PROJECT COST WILL NOT EXCEED \$340,000. THE TOWN OF LINCOLN WILL APPROPRIATE \$202,500 FROM RESERVE ACCOUNTS FOR FIRE ENGINE PURCHASES, \$75,000 FROM THE 2017-2018 CAPITAL BUDGET FOR FIRE ENGINES, AND BORROW THE REMAINING BALANCE.

The Town Council of the Town of Lincoln (the "Town") met at the Town Office in Lincoln, Maine, on September 11, 2017, at 6:00 p.m. Present were the following Town Councilors:

George Edwards-Chairman, Jeffery Gifford- Vice Chairman, Stephen Clay, Sheldon Hanington, Marscella Ireland, Sharon Sibley and John Trask.

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being a majority of the Council of the Town, of which there are seven (7), together with Town Clerk Ann Morrison and Town Manager John Sutherland. The Chairman presided and the Clerk kept the record.

The Councilors discussed the matter of purchasing a new fire engine, and appropriating and borrowing funds for that purpose. The meeting was open to the public, which was notified of the meeting by notice posted at least seven days in advance of the meeting in public and conspicuous places in the Town. Upon motions made and duly seconded, the following votes were unanimously adopted:

Now therefore be it ORDERED by the Town of Lincoln as follows:

Section 1: That under the Constitution and laws of the State of Maine and pursuant to the Charter of the Town, the Town of Lincoln is hereby authorized to enter into a contract to acquire a new fire engine from Lakes Region Fire Apparatus (the "Project"), with the details of the contract to be negotiated by the Town Manager.

Section 2: That the Town shall appropriate funds for the purchase from the following accounts:

From the Reserve Account for Fire Engine Purchases: \$202,500  
From the 2017-2018 Capital Budget for Fire Engines: \$75,000

the proceeds of said appropriation, plus the amount to be borrowed pursuant to Section 3 hereof, to be used to purchase the fire engine. The said expenditure will be voted upon by the Town Council after a successful referendum vote.

Section 3: That under the Constitution and the laws of the State of Maine and pursuant to Section 5772 of Title 30-A, M.R.S.A., and the Charter of the Town, the Town of Lincoln is

hereby authorized to borrow from a lending institution approved by the Town Treasurer and a majority of the Town Council a principal amount not to exceed sixty-two thousand five hundred dollars (\$62,500), for a term not to exceed 10 years, said amount to be borrowed at an interest rate and subject to other terms and conditions as may be approved by the Town Treasurer and a majority at least of the Town Council, with principal and interest to be payable annually at least, the proceeds of such loan to be used to finance the purchase of the fire engine, said loan to be evidenced by a 2018 General Obligation Bond (the "Bond") of the Town, which shall be executed and delivered on behalf of the Town by the Treasurer and counter-signed by a majority at least of the members of the Town Council, and that the proceeds of the Bond be and hereby are appropriated for purposes of accomplishing the Project.

Section 4: That in anticipation of the issuance of the Bond and pursuant to the authority cited in Section 5, the Treasurer and a majority at least of the Town Councilors are hereby authorized to execute and deliver a General Obligation Bond Anticipation Note (the "Note") of the Town in a principal amount not to exceed sixty-two thousand five hundred dollars (\$62,500) for a period not to exceed three years and to bear interest at an interest rate and subject to other terms and conditions as may be approved by the Town Treasurer and a majority at least of the Town Council, the proceeds to be used for the Project; said Note to be subject to such further terms and conditions as the Treasurer and a majority at least of the members of the Town Council.

Section 5: That the Town Clerk shall distribute a copy of this order to each Council member and to the Town Manager, and shall file a reasonable number of copies of this order in the office of the Town Clerk and shall post a copy of this order together with a Notice of Public Hearing at the following public places:

The Lincoln Town Office, 63 Main Street, Lincoln, Maine

The Lincoln Memorial Library, 21 West Broadway, Lincoln, Maine

as well as such other public and conspicuous places as may be directed by the Town Manager.

Section 5: That a public hearing be held at 7:00 p.m. in the Town Council Chambers at 63 Main Street, in Lincoln Maine on September 11, 2017 for the purpose of taking testimony and comments from the public with respect to whether the Town shall enter into the contract and undertake the Project and issue the Bond and the Note, and that notice of the public hearing be given by the Town Clerk by publishing a summary of this order in the local newspaper on or before August 31, 2017, together with a notice setting forth the time and place for the public hearing.

Section 6: That all actions heretofore taken by the Town of Lincoln relating to the Project be and they hereby are ratified, approved and confirmed.

Section 7: That the municipal officers and the Town Manager are hereby authorized to execute all documents and certificates, and to take all actions as may be necessary or convenient to carry out the full intent of and authorizations in the foregoing sections.

Section 8: That pursuant to Article VIII, Section 802 of the Charter of the Town of Lincoln, the foregoing order shall go into effect only upon approval by the voters of the Town of Lincoln at a referendum election to be held on Tuesday, November 7, 2017. Be it further ordered that, pursuant to Article VIII, Section 802, of the Charter of the Town of Lincoln the referendum election of the Town of Lincoln is to be held on the ballot question as substantially set forth below:

THE TOWN OF LINCOLN BALLOT QUESTION NO. 1

**QUESTION 1:** Shall the Order 2017-1 of the Lincoln Town Council, authorizing the Town to appropriate an amount not to exceed \$340,000 to purchase a new fire engine by appropriating \$202,500 from the Reserve Account for Fire Engine Purchase and \$75,000 from the 2017-2018 Capital Budget for Fire Engine, and the remainder by borrowing up to \$62,500 to pay for the balance of the cost of the fire engine, be approved?

**SUMMARY:** The Town wishes to acquire a new fire engine. The cost of the engine must not exceed \$340,000. The Town has set aside \$202,500 in a reserve account to fund the project. The remainder of the cost would be appropriated from this year's budget for fire engine capital accounts to the extent of \$75,000, with the remainder, not to exceed \$62,500, to be borrowed from a bank to be selected by the Treasurer and a majority of the Town Council. **[NTD: it might be useful to say something about why a new fire engine is necessary at this time, or what capacity the new engine would have that the Town cannot currently meet or some such].**

Section 9: That prior to the public hearing on September 11, 2017, the Treasurer shall prepare a financial statement in substantially the form set forth below, which financial statement shall be posted with all notices relating to the public hearing and shall be posted at all polling stations on the day of the municipal referendum election, in the form set forth below:

Treasurer's Financial Statement Accompanying Question 1

Town of Lincoln, Maine

A. Total amount of the bonds of Lincoln outstanding and unpaid:	\$1,726,256.73
Total amount of bonds of the Town of Lincoln authorized but unissued:	\$0
Total amount of the bonds to be issued under this Question 1	\$62,500
Total of all bonds of the Town authorized upon passage of Question 1:	\$1,788,756.73



- B. Estimate of costs involved in the borrowing called for by Question 1: Assuming an interest rate of 2.5% and a term of 10 years, the total amount of payments over the term of the loan would be approximately \$72,000, consisting of interest payments of approximately \$9,500 and principal payments of \$62,500.
- C. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the estimate made in paragraph B, above. If the actual amount of the total debt service for the bond issue varies from this estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

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Treasurer  
Lincoln, Maine

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George Edwards, Chairman

\_\_\_\_\_  
Jeff Gifford, Vice Chair

\_\_\_\_\_  
Stephen Clay, Councilor

\_\_\_\_\_  
Sheldon Hanington, Councilor

\_\_\_\_\_  
John Trask, Councilor

\_\_\_\_\_  
Sharon Sibley, Councilor

\_\_\_\_\_  
Marscella Ireland, Councilor

(SEAL)

I certify that I am the duly qualified Town Clerk of the Town of Lincoln, Maine, and that the foregoing order was adopted by the Town Council of the Town at meeting of said Town Council duly called and legally held in accordance with the laws of Maine and the Charter and governing ordinances of the Town on September 11, 2017, and 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 Town, and that such order has been entered into and become a part of the permanent records of the Town and remains in full force and effect and has not been rescinded or amended.

TOWN OF LINCOLN

(SEAL)

\_\_\_\_\_  
Ann Morrison, Town Clerk

Dated: \_\_\_\_\_, 2017

TOWN OF LINCOLN, MAINE

NOTICE OF A PUBLIC HEARING TO APPROVE LINCOLN TOWN COUNCIL ORDER 2017-1, AUTHORIZING APPROPRIATION OF UP TO \$340,000 TO FINANCE A FIRE ENGINE PURCHASE AND ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN IN AN AMOUNT NOT TO EXCEED \$62,500 FOR THAT PURPOSE

The Town Council of the Town of Lincoln will hold a Public Hearing on September 11, 2017, at 7:00 p.m. at the Municipal Office, located at 63 Main Street in Lincoln to, among other matters, consider approval of Town Council Order 2017-1, which would authorize the appropriation of Town funds in an amount not to exceed \$340,000 to purchase a fire engine (the "Project"), and the issuance of bonds of the Town in a principal amount not to exceed \$62,500 for the purpose of financing Project costs to the extent funds have not been reserved for that purpose. The public is invited to attend. Written comments received before the meeting will be considered.

TOWN COUNCIL

YR: 17 MO: 9 ITEM # 4

AGENDA REQUEST

\* Please note Public Notices need a 7-14 day advance notice in the paper depending on subject.

Council Meeting Date: September 11, 2017

Today's Date: September 1, 2017

Department: Manager

Department #: 0100

**Request:**

**This Executive Session is part of the 6:00 meeting.**

Executive Session :

1 M.R.S.A. § 405 (6) (C)

Confidential discussion with Town Council regarding LP&T site

Action Needed From Council: Vote to enter into Executive Session

Is This Item Budgeted: No

Was This A Bid Process:

Lowest Bid:

Is Public Hearing Required: No

If So What Dates: