

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

October 10, 2003

Minutes of the regular City Council meeting held Monday, October 6, 2003 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present; Mayor Dowling presided.

Proclamation - Community Forestry Month

Presentation - Larry Morse, Farmers Market

Public Hearing - New Cony High School Bond Issue (Order #113)

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND PASSED, FINAL READING

113 BE IT ORDERED, that (1) A sum not to exceed \$29,717,105 be and hereby is appropriated for the purpose of paying the costs of capital expenditures for the acquisition of land, the construction and equipment of buildings and the acquisition of equipment of a lasting character to constitute a new high school for the City of Augusta (herein the City) to be located on property owned and to be acquired by the City adjacent to Pierce Drive and the Capitol Area Technical Center. The estimated period of utility of the permanent improvements constituting the new high school is hereby declared to be in excess of thirty (30) years.

(2) To meet the aforesaid appropriation, the City Manager of the City or his designee, including without limitation the Assistant City Manager for Finance and Administration (any of whom is referred to herein as an Authorized Representative), is hereby authorized and directed under and pursuant to Section 8 of Article VII of the City Charter and other enabling authority to prepare, issue and sell, at one time or from time to time, as one or more separate issues, general obligation bonds of the City in an aggregate principal amount not to exceed \$29,717,105. The date, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of said bonds shall be determined by an Authorized Representative, provided that each of said bonds shall be

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING (Con't)

113 Continued

signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, shall bear the City seal or an authorized facsimile thereof, and shall mature in annual installments, the first installment to be payable on or before December 31 of the year after the year in which said bonds are issued, and the last installment to be payable not later than thirty (30) years after the date of issue of such bonds. The bonds authorized hereby may be consolidated for purposes of sale and issuance with any other authorized bonds, provided that the bonds of each component of the consolidated bonds shall mature over a term not longer than the term permitted by the City Charter and other applicable law for such component and by the order authorizing such component. An Authorized Representative is authorized to sign such agreements, instruments and certifications as are required in connection with the issuance of the bonds.

(3) An amount sufficient for the payment of the annual installments of principal of and interest on said bonds shall be included in the tax levy for each year during which any of such bonds shall be outstanding until the debt represented by said bonds is extinguished.

(4) An Authorized Representative be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds to be issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of said bonds as herein authorized, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal shall be paid within the maximum term permitted by law therefor. An Authorized Representative is hereby authorized and directed, subject to the provisions of this Order and applicable provisions of law, to sign and determine the date or dates of the note or notes (including renewal notes), the interest rate or rates they shall bear and all other details of things necessary and proper to effectuate the issue and sale thereof, provided that each note shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, and shall bear the City seal or an authorized facsimile thereof. An

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING (Con't)

113 Continued

Authorized Representative is authorized to sign such other agreements, instruments or certificates as are required in connection with the issuance of the notes.

(5) Upon passage of this Order, the City Clerk is hereby directed to submit the referendum question of ratification of this Order, in substantially the form attached hereto as Appendix A, to the voters of the City at the municipal election to be held on December 2, 2003.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

NEW BUSINESSHAS BEEN READ AND PASSED

114 ORDERED, That minutes of the City Council meeting held September 8, 2003 submitted by the Acting City Clerk be approved.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

115 ORDERED, That Roll of Accounts #2 for the month of August 2003 in the amount of \$4,210,761.33 be approved.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

116 ORDERED, That the report regarding the City's financial position through August 2003 be presented and accepted upon presentation.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

117 ORDERED, That Kim Davis be appointed to the Augusta Development Commission as the Council Representative (replaces Sylvia Lund); said term to expire at the end of her Council term.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

118 ORDERED, That Rex Turner be appointed to the Conservation Commission to fill the unexpired term of Tom Danielson; said term to expire December 3, 2004.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

119 ORDERED, That Darek M. Grant be appointed to the Community Development Advisory Committee to fill the unexpired term of Aline Lachance; said term to expire May 15, 2004.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

120 ORDERED, That the following appointments/reappointments be made to the Fort Western Board of Trustees:

Margaret L. O'Connor
Dennis J. Young
Reverend Richard H. Freeman (new)
Kathleen Fuller (new)
Dennis G. Towle (new)

Terms for above will expire October, 2006.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

121 ORDERED, That Bruce N. Schatz be reappointed to the Augusta Parking District; said term to expire September 7, 2008.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

122 ORDERED, That the Voter Registration hourly schedule for open session for the November 4, 2003 State of Maine Referendum/Municipal election be scheduled as follows:

Thursday, October 30, 2003

1:00 p.m. through 6:00 p.m.

The intent of this order is to change the evening session time in accordance with Title 21-A, Section 122-8 of the State of Maine Revised Statutes, as amended.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

123 ORDERED, That the City Manager is authorized to apply for and accept funds for homeland security purposes totaling \$287,765 (see attached).

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

124 ORDERED, That a portion of a public way known as Church Street lying easterly of Flagg Street, no longer of public use and necessity be discontinued; and

That the City chooses not to retain a public easement over the herein described area and that there shall be zero damages paid to abutting property owners, as would be allowed under Title 23 MRSA section 3026.

Description:

Beginning at the intersection of the southerly right-of-way line of Church Street, reference City of Augusta Street Book 1833, Page 3, with the easterly right-of-way line of Flagg Street, reference City of Augusta Street Book 1833, Page 34;

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

124 Continued

Thence northerly along the northerly extension of the easterly right-of-way line of Flagg Street crossing Church Street a distance of 30 feet, more or less, to the northerly right-of-way line of Church Street;

Thence easterly along the northerly right-of-way line of Church Street a distance of 42 feet, more or less, to the easterly terminus of Church Street;

Thence southerly along the easterly terminus of Church Street a distance of 30 feet to the southerly right-of-way line of Church Street;

Thence westerly along the southerly right-of-way line of Church Street a distance of 44 feet, more or less, to the point of beginning.

Meaning and intending to discontinue that portion of Church Street lying easterly of the projected easterly right-of-way line of Flagg Street.

The above description is based on a plan entitled "Property Survey, Knowlton and Hewins, Flagg Street, Augusta, Maine," dated December 5, 1974, by Herbert R. Doten, Consulting Engineer, a copy of which plan is on file at Thayer Engineering Company, Inc., Farmingdale, Maine.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

125 BE IT ORDERED, That the City Manager is authorized to accept grant funding in the amount of \$21,888.00 from the Federal Bureau of Justice Assistance and \$2,432.00 in local matching funds from the drug forfeiture account and have the same deposited in an interest bearing account for the purchase of electronic equipment components and accessories, radar display trailer, and Taser equipment.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

126 BE IT ORDERED, That the City Council authorizes the City Manager to submit an application on behalf of the City to the State Municipal Investment Trust fund (MITF) Program in the amount of \$500,000 for the construction of a parking facility on the Dickman Lot. Engineer estimates provided to the City Council on September 29, 2003 anticipate the total cost of the facility to be \$3,113,017. Final Council approval of said project shall be contingent upon successful award of said grant funds and the outcome of a public bidding process ensuring that the total project cost is within Council's budgetary parameters.

Yeas: 7; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Lund

Nays: 1; Koski

127 ORDERED, That the City Council enter into Executive Session to discuss a personnel matter and a real estate matter.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
O'Brien, Davis, Koski, Lund

Nays: 0

Respectfully submitted,

Linda Veilleux
Acting City Clerk