

**TOWN OF ARUNDEL, MAINE
BOARD OF SELECTMEN MEETING**

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**Monday January 27, 2020
ML Day School
7PM**

- I. Call to Order
- II. Approval of Agenda
- III. Public Forum – Public comment on non-agenda items
- IV. Approve Minutes of January 13, 2020
- V. Committee and Board Reports
- VI. Manager's Report
 - Municipal Building Status/Sign
 - Maine VW Settlement Funds Grant Approval
 - MDOT Highway Preservation Paving
 - US Census Bureau Boundary Survey Sign-off
 - Collaboration Meeting
- VII. Business
 - Application for Special Taste Testing Event License
 - Post Issuance Compliance Policy
 - Ambulance Billing Write off
- XI. Other Business and Adjournment
 - Approval Payable & Payroll Warrant
 - Adjournment

TOWN OF ARUNDEL

468 LIMERICK RD ARUNDEL MAINE 04046 (207) 985-4201 FAX (207) 985-7589

BUSINESS MEETING 1-27-20

EXECUTIVE SUMMARY

BOS Members: The purpose of this summary presented is to give you some information over and above just the mentioning of the subject matter on the agenda. It is my hope that this information assists you in your decision making.

MANAGERS REPORT

-Municipal Building Status: I will have some additional photographs of the project. In addition as I reported earlier Ouellet will be wrapping up on the site within the next week, they will remove the porta potties and one of their 53 foot construction trailers and will be off site until the end of March. Brex will stay on a bit longer for an additional two weeks and then they too will be done. Solar Trackers will be erected shortly after locations are GPS verified. I have also included a print of the sign to be erected by Ouellet for the site it will either be a 4x6 or 4x8 and will be placed on their construction management trailer.

-Maine VW Settlement Funds: Good News the 2019 Round D-2 funds have been awarded and Arundel was able to secure a total of \$140,000 from the fund for one new Large Plow Truck, this will replace the 1996 Ford presently in service. I have attached the Letter from the MDOT that we received.

-MDOT Highway Preservation Paving: Again a letter from MDOT describing some paving on Route 111 and the limits of road opening after the paving is concluded.

-US Census Boundary Survey: Provided paper work of the boundary of the community. The map has been reviewed by staff and has been signed off as accurate.

-Collaboration Meeting: Selectmen and RSU Board members (2 apiece) are again looking to schedule a joint meeting to be held Wednesday February 5, 2020, 6PM, K'Port Police Station Conference Room.

BUSINESS

-Application for Special Taste Testing Event License: On February 1, 2020 an event titled "Souper Bowl" will be held at the Maine Classis Car Museum at Motorland from 12PM to 3PM. Solar Rock Winery of Dayton Maine has been asked to provide a tasting of their product during the event. They are required to apply for the Application and seek approval of the Municipality prior to the event taking place. I will have the application for signatures with me if approval is granted.

-Post Issuance Compliance Policy: As part of the review for the Bond Anticipation Note to be issued to the Town by Biddeford Savings our Bond Attorney has indentified that the town needs to have a "Post Issuance Compliance Policy" in place as part of the closing process. The Bond Attorney created a

document/policy that if approved by the Board of Selectmen will provide additional authority to the Town Treasurer along with the Bond Counsel in meeting IRS regulation. I have attached the policy as presented by Bond Counsel and am seeking your approval.

-Ambulance Write-off: In our attempt to manage those outstanding balances that become more difficult to collect. Medical Reimbursement Services, Inc provided us a formula that has been used industry wide to manage these outstanding balances moving forward. After six years it is recommended that those funds not collected should be removed at 100%. Starting three years removed it is reduced in 25% increments until we reach six years at which time 100% is written off. The Deputy Treasurer has put together a sheet seeking for allowance pending approval of \$57,685.55.

OTHER BUSINESS AND ADJOURNMENT

(a) Account Payable Warrant: Provided at Meeting for review.

TOWN OF ARUNDEL
BOARD OF SELECTMEN

Monday January 13, 2020
ML Day Library
7 PM

Members present: Selectmen Jason Nedeau, Dan Dubois, Tom Danylik, Phil Labbe, Velma Hayes

Others: Town Manager, Jack Reetz, John Bell, Tara Bach, Ryan Cristman, Jessica Gerard, Tom & Chris Prosser, David & Annalee Wright, Attorney Matt Williams, Attorney Joy Naifeh.

Call to Order: Chairman Nedeau called the meeting to order @ 7:00PM

PUBLIC HEARING: Called to order by Chairman Nedeau at 7:00PM. Purpose is to consider a Land Use Citation and Consent Order for 725 Limerick Road. House built in 1980's at which time the lot requirement was 2.0 acres. Property has 1.69 acres and it was not identified when it occurred. Property now changing hands and this lack of acreage was identified. If approved this approval would only limit the property as a result of the Acreage requirements all other ordinance regulations for the property would be in play. Public Hearing closed at 7:06PM.

Approval of Agenda: *MOTION Hayes second Labbe "approve agenda as amended" passed 5-0. (RSU #21 Financial Report and take the action on the consent order out of sequence)*

Public forum: NO Action

Approval of Minutes: *MOTION Dubois second Labbe "approve Minutes of December 23, 2019 as presented" passed 5-0.*

Committee & Board Reports: Selectmen Hayes provided a review of the Financial Committee meeting she attended of RSU #21.

Managers Report:

- Municipal Building Status: Manager provided photos of the work being performed. The first construction meeting was held. Contractor will wrap up work on the foundation shortly and will return to site in March/April. Walls for the project will be built at his facility in Brunswick then delivered and erected on site.
- Collaboration Meeting for all Boards from all three communities set for Thursday January 16, 2020 @ 6PM @ Kennebunkport Police Station. Selectmen Nedeau and Danylik will attend.
- Status on Budget Development: Still a work in progress looking for February to start meeting on budget.
- Status on BAN & Bond Application: BAN approved closing to take place soon. Application on Bond still being worked on. Bond Attorney will review all materials prior to submittal.

Business:

- Discussion Action on 725 Limerick Road: ***MOTION Hayes second Dubois “approve the issuance of a Land Use Citation for 725 Limerick Road as a result of the non compliance of the lot in terms of appropriate lot size (see citation) passed 4-0-1 (Danylik). MOTION Dubois second Labbe “approve and enter into a consent order and judgment for 725 Limerick Road and authorize the Town Manager to sign document on behalf of the town” passed 4-0-1 (Danylik)***

Other Business and Adjournment:

- Payable Warrant: ***MOTION Dubois second Hayes “approve payable& payroll warrants as presented and reviewed” passed 5-0.***
- MOTION Dubois second Labbe “to adjourn” passed 5-0 @ 7:43PM***

Respectfully submitted,

Keith M. Trefethen
Town Manager

TOWN OF
Fruwadel
MAINE



MUNICIPAL BUILDING


PORT CITY
ARCHITECTURE
portcityarch.com
207.761.9000



Structural
Integrity
COMMERCE ENGINEERS, INC.


BENNETT
ENGINEERING
MECHANICAL • ELECTRICAL


OUELLET
CONSTRUCTION
Building Value From Vision
56 Bidder Parkway - Brunswick, ME 04011
207-725-0100
oconstr.com



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

January 16, 2020

Keith Trefethen
Town of Arundel
468 Limerick Road
Arundel, ME 04046

Dear Mr. Trefethen:

Thank you for your Maine Volkswagen (VW) Settlement Funds Application submittal under the Round 2 Competitive Category. MaineDOT received requests for \$8,000,000 in VW Settlement funds to replace 98 vehicles. The Maine Department of Transportation (MaineDOT) has completed review of all applications and finalized awards. Results are posted under the heading *2019 D-2 Round 2* at: mainedot.gov/vw/results.

You have been selected to receive VW funding to replace vehicle number 1 in your application.

The next steps in this process will involve the following:

- MaineDOT will request funds from the Trustee (Wilmington Trust) around February 1, 2020. Funds are not received until 75 days after request.
- You cannot order the vehicles until provided permission by MaineDOT (around May 1, 2020).
- Once given permission to order, you will order from a Maine Department of Environmental Protection (DEP) approved vendor.
- Lynne Cayting from DEP will handle all contracts and payments with vendors.

MaineDOT appreciates the time and effort in developing your application and looks forward to seeing these new, lower-emission vehicles funded through this Settlement on Maine roads soon.

If you have any questions, please contact me at david.gardner@maine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Gardner'.

David Gardner, Director
Environmental Office

VW Competitive Appendix D-2
Round 2

1/14/2020

Round 2 Award	Funding Request #	Applicant	Action Location	Mitigation Action Category #	Current Engine Model Year	Current Fuel Type	Proposed Fuel Type	% NOx Reduction (score)	NO _x Reduction Cost Efficiency - unit cost/ton reduced (score)	Measured Reductions (score)	Disproportionate Air Pollution Area (score)	Federal Class 1 Area (score)	VW Funding Requested	Required Match Funding	Offered Percent Match + Leveraged Funding (score)	Total Application Score
yes	10	Arundel	Arundel	1-Plow Truck	1996	Diesel	Diesel	95.3%(40)	(0)	(10)	(0)	(0)	\$140,000	20%	20%(0)	50
no	11	Arundel	Arundel	1-Plow Truck	1998	Diesel	Diesel	94.8%(40)	(0)	(10)	(0)	(0)	\$140,000	20%	20%(0)	50
no	58	Auburn School Department	Auburn	2-School bus	2009	Diesel	Propane	90.0%(40)	(0)	(0)	(10)	(0)	\$82,400	20%	20%(0)	50
no	59	Auburn School Department	Auburn	2-School bus	2009	Diesel	Propane	90.0%(40)	(0)	(0)	(10)	(0)	\$82,400	20%	20%(0)	50
yes	4	Baileysville-AOS 90	Baileysville	2-School Bus	2007	Diesel	Diesel	79.1%(30)	(0)	(10)	(10)	(10)	\$78,400	20%	20%(0)	60
yes	6	Biddeford	Biddeford	1-Dump Truck	2005	Diesel	Diesel	88.6%(30)	(0)	(10)	(10)	(0)	\$114,000	20%	40%(10)	60
no	7	Biddeford	Biddeford	1-Dump Truck	2007	Diesel	Diesel	86.0%(30)	(0)	(10)	(10)	(0)	\$129,000	20%	40%(10)	60
no	40	Bingham, RSU 83	Bingham	2-School bus	2007	Diesel	Diesel	79.1%(30)	(0)	(15)	(10)	(0)	\$68,400	20%	20%(0)	55
yes	41	Bingham, RSU 83	Bingham	2-School bus	2002	Diesel	Diesel	92%(40)	(15)	(15)	(10)	(0)	\$68,400	20%	20%(0)	80

65 and above: funded
55 and 60: 1 vehicle/applicant and all electric or propane vehicles 2006 and older
50: 1 vehicle/applicant unless funding received in Round 1. All electric or propane vehicles 2006 and older below 50: not funded



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
REGION 1
P.O. BOX 358
SCARBOROUGH, MAINE 04070-0358

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

January 14, 2020

Keith Trefethen, Town Manager
Town of Arundel
468 Limerick Road
Arundel, Maine 04046

Subject: Highway Preservation Paving
Project: 23511.00
Biddeford – Alfred, Route 111

Dear Mr. Trefethen:

The Maine Department of Transportation is currently working on estimating a Highway Resurfacing Project on Route 111 in the City of Biddeford and the towns of Arundel, Lyman, and Alfred for advertisement of the subject project for competitive bids in January of **2020**. Construction will occur during the summer months; exact start and completion dates will be forwarded once a schedule from the Contractor has been reviewed and approved.

The project is further described as follows:

Beginning 0.14 miles west of Mariner Way in Biddeford and extending west 0.65 miles to 0.04 miles east of Old Alfred Road in Arundel; Beginning 0.04 miles east of Drews Mills Road in Arundel and extending west 9.25 miles, through Lyman, to 0.06 miles east of Route 202 in Alfred.

After the new pavement is placed, no permit to open this segment of highway will be granted for a period of 3 years except as provided in Title 23, M.R.S.A. §3352. The purpose of this letter is to make the necessary notifications of the project to abutters, municipal officials and occupants of the highway under the provisions of 23 M.R.S.A. § 3351.

If the municipality has existing loop detection at signalized intersection(s) impacted by the project and wishes to upgrade to video detection, there may be opportunities for the Department to assist with a portion of those costs.

We hereby request that you provide a copy of this notice to all municipal officials, employees and boards with responsibilities for utility and/or land-use planning/permitting, and that you post this letter on any municipal public bulletin boards, media outlets and/or municipal websites as a public meeting will not be held regarding this project unless specifically requested by the municipality.

Should you have any questions, concerns or other areas of interest, we would appreciate your comments and input. LaRay Hamilton is the Project Manager for this project, and can be reached at 885-7029.

Sincerely,

LaRay L. Hamilton
Senior Project Manager, Region 1
Highway Program, MaineDOT

ev. 10/15/15

TOWN OF ARUNDEL, MAINE
POST ISSUANCE COMPLIANCE POLICY

The Town of Arundel, Maine (the “Town”) issues tax-exempt bonds from time to time to finance various capital improvements. As an issuer of such tax-exempt bonds, the Town is required by the Internal Revenue Code of 1986, as amended, (the “Code”) and regulations promulgated by the United States Treasury Department to take certain actions subsequent to the issuance of such bonds to ensure the continuing tax-exempt status of the bonds.

The Town recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of a bond issue, and is an integral component of the Town’s overall debt-management responsibilities. These requirements apply equally to capital leases. Accordingly, the implementation of these requirements will require on-going monitoring and consultation with Bond Counsel.

Issuance.

The Board of Selectmen shall approve the terms and structure of bonds issued by the Town. Such bonds shall be issued in accordance with United States Treasury Department Regulations, the Internal Revenue Code of 1986, as amended, State statutes and the Town’s ordinances. Specific post-issuance compliance procedures are addressed below.

General Procedures.

The following guidelines will be used to monitor compliance with post-issuance requirements:

1. The Town’s Treasurer shall serve as the Compliance Officer and shall be the person primarily responsible for ensuring that the Town successfully carries out its post-issuance responsibilities. The Treasurer shall be assisted by the following persons or entities:

- a. Bond Counsel
- b. Financial Advisor
- c. Paying Agent
- d. Rebate Specialist

The Treasurer shall be responsible for assigning post-issuance responsibilities to other staff, Bond Counsel, the Financial Advisor, the Paying Agent and the Rebate Specialist, and shall utilize such other professional services as are necessary to ensure compliance with all post-issuance requirements.

2. The Treasurer shall verify that the following post-issuance actions have been taken on behalf of the Town with respect to each issue of tax-exempt bonds:

- a. Ensure that a full and complete record for the principal documents of each the issue has been completed by Bond Counsel and the Financial Advisor;
- b. Ensure that the Internal Revenue Service (IRS) forms 8038 are properly

- filed with the IRS by Bond Counsel within the time limits imposed by Section 149(e) of the Code;
- c. Account for the allocation of the proceeds of the tax-exempt bonds to expenditures as required by the Code;
- d. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditures of the issue proceeds;
- e. Identify proceeds of tax-exempt obligations, in consultation with Bond Counsel and the Financial Advisor, that are yield-restricted and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the bond yield to which such investments are restricted;
- f. Determine, in consultation with Bond Counsel and the Financial Advisor, whether the Town is subject to the rebate requirements of Section 148(f) of the Code and related Treasury Regulations with respect to each issue of the Town. The Treasurer shall contact a Rebate Specialist, as required, prior to the fifth anniversary of the date of issuance of each issue and each fifth anniversary thereafter until the obligation has matured to arrange for calculation of the rebate requirements, as needed, to be paid by the Town. If any rebate is required to be paid to the IRS, the Town Treasurer will file Form 8038-T, along with the required payment.
- g. Shall monitor the use of all financed facilities in order to determine whether private business uses of financed facilities have exceeded the de minimus limits set forth in Section 141(b) of the Code (generally a value or benefit equal to 10% of issue proceeds) that provide special legal entitlements to non-governmental persons.
- h. With the assistance of professional services as needed, shall ensure that any and all nonqualified bonds are remediated according to the requirements of the Code and relevant regulations.

3. The Treasurer shall collect and retain the following records with respect to each issue of tax-exempt obligations and with respect to the facilities financed with the proceeds of such Obligations:

- a. Audited financial statements of the Town;
- b. Appraisals, surveys, feasibility studies, if any, with respect to the facilities to be financed with issue proceeds;
- c. Trustee or Paying Agent statements;
- d. Records of all investments and the gains (or losses) from such investments;
- e. Expenditures reimbursed with the issue proceeds;
- f. Allocation of issue proceeds to expenditures (including cost of issuance) and the dates and amounts of each expenditure (including requisitions, draw down schedules, invoices, bills and cancelled checks as related to each expenditure);
- g. Construction or renovation contracts for financed facilities or projects;
- h. Maintain an asset list of all tax-exempt financed depreciable property and

- sales of tax-exempt financed assets;
- i. Arbitrage rebate reports and records of rebate and yield reduction payments, if any;
- j. Orders, Resolutions and other actions, if any, adopted by the Town subsequent to the date of issue of the obligations; and
- k. Relevant correspondence relating to such bonds.

The records collected by the Town shall be stored in any format deemed appropriate by the Treasurer and shall be retained for a period equal to the life of the tax-exempt obligations, including the life of any obligations issued to refund obligations, plus three (3) years.

4. In addition to its post-issuance compliance requirements under the Code and Treasury Regulations, the Town has agreed to provide Continuing Disclosure, such as annual financial information and material event notices when required. The continuing disclosure obligations are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12 under the Securities and Exchange Act of 1934, as amended and officially interpreted from time to time.

5. Prior to the change in use, sale, lease, or rent of any bond-financed asset, the Compliance Officer shall be consulted in order to ensure compliance with applicable Code provisions and Treasury Regulations. In the event that an action is found to cause an issue to meet the private business tests or the private loan financing tests, the Compliance Officer and other necessary Town officials, in consultation with Bond Counsel, may undertake the remedial action steps listed in 26 C.F.R. § 1.141-12.

6. In the event of a violation of the applicable rules for tax-exempt bonds, the Compliance Officer, and other necessary Town officials, in consultation with Bond Counsel, may participate in the Tax-Exempt Bonds Voluntary Closing Agreement Program in order to conclusively resolve the violation as expeditiously as possible.

Date Adopted: _____

	June 30 2019	Actual	% applied and rounded
1	March 2013 - June 30 2014 to round up Allowance for Ambulance	21,677.48 <u>8.07</u> 21,685.55	100% 21,685.55
2	July 1 2014 - June 30 2015	22,981.04	75% 17,000.00
3	July 1 2015 - June 30 2016	22,781.27	50% 11,000.00
4	July 1 2016 - June 30 2017	31,735.28	25% 8,000.00
	Total Amount for Allowance pending approval		57,685.55

Journal Entry:

	DR	CR
R 05-28 Ambulance A/R Offset	57,685.55	
1-185-05 Allowance for Ambulance To add to Allowance for Ambulance in FY19		57,685.55

Last addition to the Allowance for Ambulance was in FY16

Comstar was replaced by Medical Reimbursement Services, Inc. March 1st, 2019. FFR still retained. Note: Comstar continued to collect on billed amounts through August 31, 2019 in FY20. FFR remains the collection agency, and reports are sent directly to Arundel as of 09/01/2019.

