

**Board of Overseers
Northport Village Corporation
Minutes of Meeting
September 22, 2002**

President Ken Vlodek convened the meeting of the Northport Village Corporation Board of Overseers at 10:00 AM on September 22, 2002, in the Community Hall with Overseers Doug Mayer, Dan Doucette, Joe Krulis, Judy Rohweder, Dave Crofoot, Greg Closter, Treasurer Russ Handler, and Clerk Lagner present. All Overseers and officers had been previously sworn in.

The minutes of the August 11, 2002, meeting, and the Special Meeting of August 18, 2002, were approved.

The treasurer's report was approved as follows:

General Government	
Checking	\$18,633.84
Community Hall	396.71
Money Market	<u>42,725.39</u>
Total	<u>\$61,755.94</u>
Water Department	
Checking	\$49,575.55
Checking	<u>10.00</u>
Total	<u>\$49,585.55</u>
Sewer Department	
Checking	\$ 8,423.83
Checking	10.00
CD721053	19,650.15
Money Market	<u>21,847.63</u>
Total	<u>\$49,931.61</u>

Resident Concerns

Nitzburg: Dave Crofoot, chairman of the Infrastructure Committee, explained that the sea wall needed repair below the Nitzburg residence. After discussion, Doug moved, and Dan seconded a motion that Stan Nitzburg shall have the right to cross and access Beale Park and other Village property in connection with a construction project related to stabilization of his bank, on the conditions that (1) his contractor provide insurance binders naming Northport Village Corporation (NVC) as beneficiary of all liability and Workers' Comp. policies related to the project; (2) a construction easement be granted providing the time limits for the project; (3) an indemnification contract provided by Stan Nitzburg to hold the NVC harmless from any claims of defects, injury, or violation of ordinances or laws on NVC property; (4) Stan Nitzburg to pay the reasonable attorney's fees associated with preparing these documents; (5) Stan Nitzburg to obtain all necessary permits before commencing work. **So Voted.**

Bayside Historical Preservation Society (BHPS): The BHPS requested permission to move onto Village-owned property with a long-term land lease a historic cottage contributed by Burt Sturup. Sites considered are Cradle Row and Wharf Street at Scribner Park. Dave moved, and Doug seconded a motion that the Northport Village Corporation sublet some portion of Village land to the Bayside Historical Preservation Society for the purpose of placing the donated building. **Voted.**

Doug next moved and Dan seconded that we entitle the BHPS to park the building within established lines on the Wharf Street site for this winter (BHPS will be responsible for repairing any damage to the park property and library plantings), with a recommendation for BHPS to come back to the Board by January with a recommendation for final, permanent placement and lease arrangements. **So voted** by a vote of 5 yes, and 1 opposed.

Ed Williams: Ed presented a proposal from Northeast Tree Service for trimming the trees at 771 Shore Road, and a letter of consent from Craig Poulin, owner of the cedar trees in question. Dan moved and Doug seconded a motion to approve the Northport Village Corporation expense for tree pruning according to the proposal as presented from Northeast Tree Service. **So voted**, with 5 yes, 1 abstention.

Other concerns discussed (no action taken):

Patricia Lojak: Parking congestion (Ordinance needed)

Mary Hanrahan: RV parking (Ordinance needed)

Todd Merolla: Mussel farm updates. (materials to be dispensed to Board)

Gordon Fuller: Construction effects on Ruggles Park and boat winter storage. (John Fancy said there should be no interference with stored boats.)

Greg Closter: Bluff Road surface condition. (Refer to Bill Magruder)

Judy Rohweder: Speed limit signs needed.

Village Agent Bill Paige

Rules are needed for the use of Cradle Park which has been cleaned up by a large group of volunteers. Dave Crofoot's committee will work on this.

Recyclables will be picked up with the regular trash pick-up on Mondays.

While the construction is going on, Bill asked permission to store the floats on the causeway leading to the wharf. Lynch Construction will be consulted.

Snowplowing: Bill Magruder will be asked to bid, as his trucks will already be plowing the town roads throughout the Village. Last year's plower will also be approached for a bid.

Wharfmaster: Assistant Wharf Master Steve Trenholm will send requests to the Northport Harbor Committee for payment of expenditures that previously were covered out of the boat excise taxes and harbor fees that now are going directly to said Committee.

Water/Wastewater

Public Hearing: September 15: Sparse attendance. Judy Rohweder took the minutes in the absence of the Clerk. Dave moved and Dan seconded a motion to name Judy Rohweder as the Secretary pro-tem for the meeting, and to accept her minutes. **So voted.**

Doug Mayer, Chairman of the Utility Committee, presented the following motion:

1. (Interim financing for construction Phase I)

Doug moved and Dan seconded a motion that the Northport Village Corporation accept a bid from Union Trust to provide interim (bridge) financing for Phase I in the amount of \$682,000 for two aspects of Phase I at the rate of 1.94%. **So voted** with 5 yes, 1 abstaining.

1.1 (Grant/loan agreement-Water Phase I)

Upon motions made and duly seconded, the following votes were unanimously adopted:

Voted: That pursuant to the charter of the Northport Village Corporation, Chapter 136 of the Private and Special Laws of Maine, 1915, as amended, and Title 30-A and 35-A of the Maine Revised Statutes, as amended, and pursuant to action taken by the voters of the Village Corporation at the annual meeting of the Village Corporation held August 8, 2000, and any other applicable authority under the laws of the State of Maine, the Overseers are hereby authorized to borrow on behalf of the Corporation from the United States of America, acting through Rural Utilities Service a principal amount not exceeding Two-Hundred Forty-Two-Thousand Dollars (\$242,000) at an interest rate not to exceed 4.75% and at other conditions to be determined by Rural Utilities Service, payable over a period not to exceed thirty (30) years to finance improvements to the Corporation's water system, including, but not limited to replacement of water lines on Broadway, Main Street, Bay Street, and Sea Street (the "Project"), said loan to be evidenced by the 2002 General Obligation Water Bond of the Corporation, to be executed and delivered on behalf of the Corporation by the Treasurer and counter-signed by a majority at least of the Board of Overseers (the "Bond").

Voted: In anticipation of the long term financing from the United States of America, and pursuant to authority granted by Title 30-A and Title 35-A of the Maine Revised Statutes, as amended, and any other applicable authority under the laws of the State of Maine thereto enabling the Treasurer and a majority at least of the Board of Overseers of the Northport Village Corporation, are hereby authorized to issue to Union Trust Company the 2002 General Obligation Water Bond Anticipation Note of the Corporation in a principal amount not exceeding Two-Hundred Forty-Two-Thousand Dollars (\$242,000), the proceeds of the loan to be used to finance improvements to the Corporation's water system, including, but not limited to replacement of water lines on Broadway, Main Street, Bay Street, and Sea Street (the "Project"), to be executed and delivered on behalf of the Corporation by the Treasurer and counter-signed by a majority at least of the Board of Overseers of the Corporation, such Note to be for a term not to exceed one year, with interest payable at an interest rate and to be on such further terms and conditions as may be agreed to by the Treasurer and a majority at least of the Board of Overseers of the Corporation (the "Note").

Voted: That all actions heretofore taken by the Overseers of the Corporation relating to the issuance of the Corporation's 2002 General Obligation Water Bond to the United States of America be and they hereby are ratified, approved, and confirmed.

Voted: That pursuant to the requirements of the Tax Reform Act of 1986, the Corporation designates the Bond to be a "qualified tax exempt obligation" of the Corporation, and that the Corporation shall not issue in 2002 an aggregate total amount of qualified tax exempt obligations in excess of \$10,000,000. Further, the Corporation does not reasonably expect to issue qualified tax exempt obligations in an amount in excess of \$5,000,000 during 2002.

Voted: That the Corporation shall take any and all actions required under the Tax Reform Act of 1986 to maintain the tax exempt status of the interest on the Bond and Note, and to maintain the status of the Bond as a "qualified tax exempt obligations" of the Corporation, and that the Bond and note may be subject to such further terms and conditions as may be agreed to by a majority at least of the Board of Overseers and the Treasurer of the Corporation to carry into effect the full intent of this resolution.

Voted: That the law firm of Eaton Peabody is hereby designated as bond counsel for the Corporation to advise the Corporation with respect to the issuance and sale of the Bond and Note, and to prepare documents and render opinions as may be necessary or convenient for the purpose.

Voted: That the municipal officers and officials of the Corporation are hereby authorized to execute all documents and certificates, and to take all action, including affixing the seal of the Corporation, as may be necessary or convenient to carry out the full intent of the foregoing votes or any one of them.

Voted: That the Treasurer and President of the Board of Overseers are hereby authorized to make application to the Maine Public Utilities Commission for authorization to issue long term securities of the Corporation for the Project in the principal amount of \$242,000.

Doug moved and Dan seconded a motion that we accept the substance of a letter from Michael Trainor dated Sept. 18 regarding a General Obligation Water Bond in the amount of \$242,000. **So voted.**

1.2 (Grant/loan agreement-sewer system)

Upon motions made and duly seconded, the following votes were unanimously adopted:

Voted: That pursuant to the charter of the Northport Village Corporation, Chapter 136 of the Private and Special Laws of Maine, 1915, as amended, and Title 30-A and 35-A of the Maine Revised Statutes, as amended, and pursuant to action taken by the voters of the Village Corporation at the annual meeting of the Village Corporation held August 8, 2000, and any other applicable authority under the laws of the State of Maine, the Overseers are hereby authorized to borrow on behalf of the Corporation from the United States of America, acting through Rural Utilities Service a principal amount not exceeding Four-Hundred Forty Thousand Dollars (\$440,000) at an interest rate not to exceed 4.75% and at other conditions to be determined by Rural Utilities Service, payable over a period not to exceed thirty (30) years to finance improvements to the Corporation's sewer system, including, but not limited to replacement of sanitary sewers and storm drains on Broadway, Main Street, and Shore Road (the "Project"), said loan to be evidenced by the 2002 General Obligation Sewer Bond of the Corporation, to be executed and delivered on behalf of the Corporation by the Treasurer and counter-signed by a majority at least of the Board of Overseers (the "Bond").

Voted: In anticipation of the long term financing from the United States of America, and pursuant to authority granted by Title 30-A and Title 35-A of the Maine Revised Statutes, as amended, and any other applicable authority under the laws of the State of Maine thereto enabling the Treasurer and a majority at least of the Board of Overseers of the Northport Village Corporation, are hereby authorized to issue to Union Trust Company the 2002 General Obligation Sewer Bond Anticipation Note of the Corporation in a principal amount not exceeding Four-Hundred Forty Thousand Dollars (\$440,000), the proceeds of the loan to be used to finance improvements to the Corporation's water system, including, but not limited to replacement of water lines on Broadway, Main Street, and Shore Road (the "Project"), to be executed and delivered on behalf of the Corporation by the Treasurer and counter-signed by a majority at least of the Board of Overseers of the Corporation, such Note to be for a term not to exceed one year, with interest payable at an interest rate and to be on such further terms and conditions as may be agreed to by the Treasurer and a majority at least of the Board of Overseers of the Corporation (the "Note").

Voted: That all actions heretofore taken by the Overseers of the Corporation relating to the issuance of the Corporation's 2002 General Obligation Sewer Bond to the United States of America be and they hereby are ratified, approved, and confirmed.

Voted: That pursuant to the requirements of the Tax Reform Act of 1986, the Corporation designates the Bond to be a "qualified tax exempt obligation" of the Corporation, and that the Corporation shall not issue in 2002 an aggregate total amount of qualified tax exempt obligations in excess of \$10,000,000. Further, the Corporation does not reasonably expect to issue qualified tax exempt obligations in an amount in excess of \$5,000,000 during 2002.

Voted: That the Corporation shall take any and all actions required under the Tax Reform Act of 1986 to maintain the tax exempt status of the interest on the Bond and Note, and to maintain the status of the Bond as a "qualified tax exempt obligations" of the Corporation, and that the Bond and note may be subject to such further terms and conditions as may be agreed to by a majority at least of the Board of Overseers and the Treasurer of the Corporation to carry into effect the full intent of this resolution.

Voted: That the law firm of Eaton Peabody is hereby designated as bond counsel for the Corporation to advise the Corporation with respect to the issuance and sale of the Bond and Note, and to prepare documents and render opinions as may be necessary or convenient for the purpose.

Voted: That the municipal officers and officials of the Corporation are hereby authorized to execute all documents and certificates, and to take all action, including affixing the seal of the Corporation, as may be necessary or convenient to carry out the full intent of the foregoing votes or any one of them.

Voted: That the Treasurer and President of the Board of Overseers are hereby authorized to make application to the Maine Public Utilities Commission for authorization to issue long term securities of the Corporation for the Project in the principal amount of \$440,000.

Doug moved and Dan seconded a motion that we accept the substance of a letter from Michael Trainor dated Sept. 18 regarding a General Obligation Sewer Bond in the amount of \$440,000. **So voted.**

2. (Water meter purchase)

Doug moved and Judy seconded a motion that the Northport Village Corporation accept the bid of Ti-Sales, Inc., to provide the Village Utility with 291 Neptune water meters, including remote readers, handheld encoder-reader, data collector, charger, accessories, and meter reading management software. **So voted,** with 5 yes, 1 opposed.

3. (Approved signatures)

Doug moved, and Dan seconded a motion that the Northport Village Corporation authorize Douglas Mayer and Judy Rohweder to sign necessary operational documents for Phase I. **So voted.**

4. (Study #1: Ways to improve present wastewater treatment plant)

Doug moved, and Dave seconded a motion that the Northport Village Corporation seek proposals for an engineering study to improve BOD removal from the treatment plant's effluent, and other improvements that can be economically justified for a treatment plant with a limited life. This study will begin in November, with a draft to the NVC Utility Committee by 2/28/03 and a completion date of 3/31/03. **So voted.**

5. (Study #2: Options for future wastewater treatment facility)

Doug moved and Dan seconded a motion that the Northport Village Corporation seek proposals for an engineering study to examine alternatives to the existing treatment facility. Specifically, the study will examine a new NVC-located wastewater treatment facility and the possibility of pumping wastewater to another facility for treatment. This study should look at options that employ environmentally sound treatment and disposal methods, and reflect cost effectiveness across a 20-year operating window. The study must include a detailed cost breakdown of the preferred option and a recommended funding arrangement. The impact on user costs will be reviewed along with a realistic time schedule for implementation of the recommended option. The study should also include an environmental information document. The study will begin in November, with a draft to the Utilities Committee by 4/30/03 and completion by 6/30/03. **So voted.**

6. (Application for loan/grant for Phase II Project)

Grant Agreement: BE IT RESOLVED that the Board of Overseers of the Northport Village Corporation approves and accepts in all respects, a proposed loan of \$318,000.00 at an interest rate not to exceed four and three-quarters percent (4.75%) for a period not to exceed twenty-nine (29) years, from the USDA Rural Development (RD) for the purpose of extending a water main along Shore Road and Bluff Road in accordance with Loan Resolution (Public Bodies), RUS Bulletin 1780-27, and a proposed Grant in the amount of \$260,000.00 in accordance with Grant Agreement, RUS Bulletin 1780-12, and the Resolution of the Board of Overseers to authorize the President and the Clerk to execute and deliver all documents, and to take any and all actions necessary to carry into effect such financing, including, but not limited to, Form RD 400-1, Equal Opportunity Agreement, and Form RD 400-4, Assurance Agreement.

RUS Bulletin 1780-27 was presented and voted upon as follows:

Yeas: 6 Nays: 0 Absent 1

Doug moved and Dan seconded a motion that the Board of Overseers of the Northport Village Corporation hereby resolves and does authorize its President and its Clerk to execute and deliver RUS Bulletin 1780-12, Water or Waste System Grant Agreement, on behalf of the NVC, substantially, in the form presented to this

meeting with such changes and additions as they in their discretion may deem necessary or appropriate. Resolved further that the NVC, acting through its appropriate officers as designated in its by-laws, will take all necessary and appropriate steps to carry out the transactions contemplated by the Grant Agreement approved at this meeting. **So voted.**

The Resolution of the Board of Overseers of the Northport Village Corporation pertaining to the Rural Development Grant was presented and voted upon as follows:

Yeas: 6 Nays: 0 Absent: 1

Finance

Dan asked that boat owners storing their boats in the park be billed a storage fee.

Safety

Judy presented a request from Sal Demeo for a police cruiser. To be investigated.

Appointments

The committee chairpersons were appointed as follows:

Utilities: Doug Mayer
Finance: Dan Doucette
Infrastructure: David Crofoot
Parks: Jane Phillips
Information: Greg Closter
Recreation: Joe Krulis
Safety: Judy Rohweder
Archivist: Elaine Smith
Community Hall: Dick Tardif
Library: Bob Stein

Voted: Chairman of the Board of Overseers: Doug Mayer.

The meeting was adjourned at 12:41 PM. The next meeting will be October 27, 2002, in the Drinkwater School.

Respectfully submitted,
Eleanor D. Lagner, Clerk