



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 17-165

Agenda Date: 9/19/2017

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

I. Council Action Requested.

To recommend to the voters of the Town of Windham a “yes” vote in connection with the special town meeting to be held on November 7, 2017 to (a) authorize the appropriation of \$9,300,000 for the design, construction, and equipping of a new public works and school transportation and maintenance facility located at property on Windham Center Road in the Town and related redevelopment of the site (the “Project”) and further authorize the Town Council to effectuate the entering into of one or more agreements on behalf of the Town providing for the Project, and (b) fund the appropriation, authorize the Town Council to approve the terms and conditions of one or more agreements to effectuate the issuance of general obligation bonds (and notes in anticipation thereof) of the Town in a sum not to exceed Nine Million, Three Hundred Thousand Dollars (\$9,300,000) on such terms as the Town Council determines are necessary and proper pursuant to 30-A M.R.S.A. § 5772 and other applicable Maine law, including the interest rate and the principal payment dates, and which may be subject to call for redemption with or without premium at the election of the Town before the date fixed for final payment.

II. Basis for Council Action.

Council approval of this item is required because;

- a. pursuant to Article VIII, Section 2 of the Charter, “any appropriation of twenty-five thousand dollars (\$25,000) or more in addition to or supplementary to the annual budget appropriation; the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued; shall become effective only after it has been adopted at a Town Meeting by the vote of a majority of those present and entitled to vote at such meeting,”
- b. the articles of business on the warrant for the proposed special meeting would appropriate an amount greater than twenty-five thousand dollars (\$25,000) in addition to or supplementary to the annual budget recommendation and authorize the issuance of bonds or notes other than a note in anticipation of taxes to be paid within the fiscal year,
- c. the provisions of 30-A M.R.S.A. § 2521 require that such meetings be called by a warrant signed by a majority of the “selectmen” (i.e. municipal officers),
- d. the provisions of 30-A M.R.S.A. § 2528(5)(B) require that “[i]f a particular article to be voted on by secret ballot requests an appropriation of money by the municipality, the article, when printed in the warrant and on the ballot, must be accompanied by a recommendation of the municipal officers,” and

- e. pursuant to Article II, Section 1 of the Charter, “[t]he Town Council, hereinafter called the ‘Council’, shall be and constitute the municipal officers of the Town.”

III. Issue Summary.