1. Board Of Selectmen's Meeting Materials

   Documents:

   2019-08-19 BOS AGENDA.PDF
   2019-08-19 BOS PACKET.PDF
BOARD OF SELECTMEN’S
MEETING AGENDA
7:00 PM  MONDAY, AUGUST 19, 2019
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Call to Order

A. Photo Op with Energy Steering Committee

B. Citizens’ Forum – The Citizens’ Forum is open to any member of the audience for comments on any Town matter. All comments should be respectful in tone and should be directed to the Chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the Town Manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the Town Manager’s Office.

C. New Business
   1. November 2019 Special Budget Referendum

Adjourn
BOARD OF SELECTMEN’S
MEETING AGENDA
7:00 PM  WEDNESDAY, AUGUST 7, 2019
POLICE HEADQUARTERS

A. Executive Session: Title 1 MRSA § 405.6.C (Real Estate)

Adjourn
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: August 15, 2019

DATE ACTION REQUESTED: August 19, 2019

☐ ACTION

☐ DISCUSSION ONLY

SUBJECT: Special Budget Referendum

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: In May 2019 the voters passed a non-binding vote to have the Board of Selectmen negotiate for the purchase of 106 acres of property from the Davis family – the Davis land. That price has been negotiated at $7.5M. To complete this deal, the voters will need to authorize the expenditure of this money in November 2019. A Special Budget Referendum could coincide with the General Referendum on November 5, 2019. At that Referendum, the voters would be asked to approve the purchase, to be funded by a taxable bond. The first bond payment would not be necessary until FY21 so the cost of this action would not affect the current year’s budgets.

To fund this purchase the Board of Selectmen must request a Special Budget Referendum. Per Town of York Home Rule Charter, Article II, Section 20(4), the Board must refer this matter to the Budget Committee. The Budget Committee must conduct a public hearing within 10 days (by August 29th) and then must decide whether or not to authorize the Special Budget Referendum. The Budget Committee will likely have its hearing and take necessary actions on Tuesday, August 27th. If the Budget Committee votes to authorize the Referendum, that Referendum must be held no sooner than 40 days (October 6th) not later than 70 days (November 6th) from the date of the Budget Committee’s vote. This timing allows the Special Budget Referendum to coincide with the General Referendum on November 5th.

To pay for this project, it is my recommendation that the voters be asked to approve a taxable bond (rather than a tax-exempt bond) because this increases the flexibility of future actions which may be taken with the property prior to the payoff of the bond. It will likely increase the rate of interest paid on the bond, meaning higher payments.

The Board of Selectmen could decide to not send this request to the Budget Committee. This is your basic choice.

Assuming the Board of Selectmen send this to the Budget Committee, and further assuming the Budget Committee agrees to the Special Budget Referendum, then the Board of Selectmen will need to meet again on August 29th to call the Special Budget Referendum and to take preference votes.
RECOMMENDATION: I recommend the Board of Selectmen request a Special Budget Referendum, to be held at the York High School gymnasium on Tuesday, November 5, 2019, for the purpose of asking the voters whether or not they will purchase the Davis property for $7,500,000.

PROPOSED MOTION: I move to request a Special Budget Referendum, to be held at the York High School gymnasium on Tuesday, November 5, 2019, for the purpose of asking the voters whether or not they will purchase the Davis property for $7,500,000. The Town Manager shall notify the Budget Committee immediately as it must conduct a public hearing on this matter no later than August 29th.

PREPARED BY: Stephen H. Burns
MEMO

TO: Board of Selectmen
FROM: Stephen H. Burns, Town Manager
DATE: August 15, 2019
RE: Davis Property Ballot Question

This is the proposed ballot question, based on my June 17th memo to the Board (copy attached). The ballot question must be decided by the Budget Committee so this is simply the initial recommendation of the Board of Selectmen.

Ballot Question:

Shall the Town (1) approve the acquisition of approximately 106.2 acres of undeveloped land from the Mary McIntire Trust, fronting on York Street, Raydon Road and Donica Road, being portions of parcels at 142 York Street and 50 Donica Road (the “Project”); (2) appropriate a sum not to exceed $7,500,000 for the costs of the project; and (3) to fund this appropriation and authorize the Treasurer and Chair of the Board of Selectmen to issue, at one time or from time to time, general obligation securities of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed $7,500,000 with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption(s), form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, to be delegated to the Treasurer and the Chair of the Board of Selectmen?

Project Summary and Description: Approval of this article authorizes Town purchase of approximately 106.2 acres of undeveloped land near York Village. Plans for future use of this land will be decided following acquisition.

Financial Statement: (to be provided to the Budget Committee at or prior to the public hearing)
MEMO

TO:        Board of Selectmen
FROM:      Stephen H. Burns, Town Manager
DATE:      June 17, 2019
RE:        Davis Property Ballot Question

The Board asked to receive draft ballot language for the Davis property acquisition, which may go to a Special Budget Referendum in November 2019. Advance action on this matter by the Board of Selectmen will proceed over the next couple months as was discussed at the June 10th Board meeting.

The Board asked to have staff prepare a draft ballot question for the Special Budget Warrant because there are concerns about what information will go on the ballot to inform the voters while keeping the ballot language neutral.

The purchase would be possible only if the Town bond-funds the purchase. There isn’t $7-$8M kicking around to be spent on a purchase of this nature. This sort of money would need to be borrowed. This means the ballot question will be one of those longer ones associated with borrowing money. In looking to old warrants for guidance, I found only one instance in the past couple decades when the Town sought voter approval to purchase land and fund it with a bond – this being the land for Short Sands Road and the Police Station in York Beach, approved in May 2009. I used this as my model. A copy is attached.

The form of bond-funded ballot questions is first a Three-Part Question, followed by Project Summary and Description and then the Financial Statement. The Financial Statement, while an integral part of the ballot language, is more boilerplate and will be left off for purposes of this memo.

- **Three-Part Question.** This is pretty straight forward. It asked the voters if they will (1) approve the purchase, (2) appropriate the purchase price; and (3) authorize the issuance of a bond.

- **Project Summary and Description.** This is the tricky part. What does the Board want to tell the voters about this acquisition? You could provide very little information – that this is a proposal to acquire X number of acres of undeveloped land fronting on York Street and Raydon Road. You could offer information about the Comprehensive Plan or the Capital Program, but this purchase contradicts and would supersede those policies so I’m not sure that information would be appropriate. You could offer information about future use, but there has been pushback already by
people worried that mention of any proposal for future use might split the base of support. You could offer information about the anticipated annual payments (on the order of magnitude of $700K annually) and the implications of this on the budget, mil rate and other capital projects, but those are not known with certainty, so it will be difficult to maintain factual accuracy. There could be a reference to a map, but the map won’t be on the ballot so that might introduce confusion. I’m not sure if we need to mention the proposal for a taxable (versus tax exempt) bond given uncertainty about future plans and uses.

I offer to the Board my initial draft as a starting point for discussion:

Shall the Town (1) approve the acquisition of approximately 106.2 acres of undeveloped land from the Mary McIntire Trust, fronting on York Street, Raydon Road and Donica Road, being portions of parcels at 142 York Street and 50 Donica Road (the “Project”); (2) appropriate a sum not to exceed $_________ for the costs of the project; and (3) to fund this appropriation and authorize the Treasurer and Chair of the Board of Selectmen to issue, at one time or from time to time, general obligation securities of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed $_________ with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption(s), form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, to be delegated to the Treasurer and the Chair of the Board of Selectmen?

Project Summary and Description: Approval of this article authorizes Town purchase of approximately 106.2 acres of undeveloped land near York Village. Plans for future use of this land will be decided following acquisition.