Agenda: To see what action the Council will take regarding Order # 2026-3 entitled "Order to Submit Order # 2026-2 to the Voters and to Call Public Hearing."

Motion: I move that the Order # 2026-3 entitled, "Order to Submit Order # 2026-2 to the Voters and to Call Public Hearing, " be approved in form presented to this meeting and that an attested copy of said Order be included with the minutes of this meeting.

ORDER TO SUBMIT ORDER # 2026-3 TO THE VOTERS AND TO CALL PUBLIC HEARING

BE IT ORDERED, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled:

That under and pursuant to the Charter of the Town of Old Orchard Beach (the "Town"), including Sections 303 and 409.12 therein, and the laws of the State of Maine, including, as applicable, Titles 21-A and 30-A of the Maine Revised Statutes, Order # 2026-2, authorizing the issuance of general obligation bonds in a principal amount not to exceed $3,300,000 to acquire and install new radio frequency equipment, be submitted to the voters of the Town at a general municipal election to be held Tuesday, November 3, 2026;

That the question submitted at the election read as set forth below;

Question 1: Shall Order # 2026-2 entitled, "Order to Authorize the Town of Old Orchard Beach to Issue General Obligation Bonds in the Principal Amount Not to Exceed $3,300,000 to Acquire and Install New Radio Frequency Equipment" be adopted?

That said question be accompanied by a signed financial statement of the Town Treasurer, as well as the recommendations of the Town Council and Finance Committee, substantially in form as set forth below;

TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT

1. **Total Town Indebtedness**

Bonds Outstanding and Unpaid		$ 39,610,732.60
Bonds Authorized but Unissued		$ 1,000,000.00
Bonds to be Issued if this Article is Approved		$ 3,300,000.00
	Total:	$ 43,910,732.60

2. **Estimated Costs of Proposed Bonds**

At an estimated average annual interest rate of __3_% for a _10_-year term, the estimated costs of this bond issue will be:

Principal	$ 3,300,000.00
Interest	$ 578,242.77
Total Principal & Interest to be Paid at Maturity	$ 3,878,242.77

3. **Validity**

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above Estimated Costs of Proposed Bonds. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Brynn Patenaude, Treasurer

Town Council Recommends: 3-0 KMM
Finance Committee Recommends: 4-0 BSP

That a public hearing be held on the subject of said question and be conducted by the Town Council on October 20, 2026, at 6:30pm at the Town Hall Council Chambers, 1 Portland Avenue, in the Town of Old Orchard Beach, and that the Town Clerk give public notice of the hearing in the manner required by law;

That the Warrant and Notice of Election for the general municipal election and the Notice of Public Hearing be approved in form presented to this meeting, provided however, that the Town Clerk is directed to insert the recommendation of the Finance Committee thereon and to prepare the Warrant and Notice of Election and Notice of Public Hearing for Council signatures; and

That an attested copy of this Order be filed with the minutes of this meeting.

A true copy, attest:

Kim McLaughlin
Town Clerk
(Town Clerk to file an attested copy of this Order with the meeting minutes)

Agenda: To see what action the Council will take regarding Order # 2026-2, entitled "Order to Authorize the Town of Old Orchard Beach to Issue General Obligation Bonds in the Principal Amount Not to Exceed $3,300,000 to Acquire and Install New Radio Frequency Equipment."

Motion: I move that the Council approve Order # 2026-2, entitled, "Order to Authorize the Town of Old Orchard Beach to Issue General Obligation Bonds in the Principal Amount Not to Exceed $3,300,000 to Acquire and Install New Radio Frequency Equipment," and that an attested copy of this Order be filed with the minutes of this meeting.

ORDER TO AUTHORIZE THE TOWN OF OLD ORCHARD BEACH TO ISSUE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED $3,300,000 TO ACQUIRE AND INSTALL NEW RADIO FREQUENCY EQUIPMENT

BE IT ORDERED, by the Town Council of the Town of Old Orchard Beach, Maine ("the Town"), in Town Council assembled:

Section 1. Authority to Issue Bonds.

1.1 Pursuant to section 5772 of Title 30-A of the Maine Revised Statutes and Sections 303 and 409.12 of the Town Charter, and subject to municipal election approval, the Town Council, acting by and through the Town Treasurer ("Treasurer") and the Chair of the Town Council ("Chair"), is authorized to issue general obligation bonds and notes in anticipation thereof in an aggregate principal amount not to exceed $3,300,000 (collectively, the "Bonds"), to acquire and install new radio frequency equipment (the "Project") and the proceeds of the Bonds (including investment earnings thereon and any bond premium) are hereby appropriated to pay costs of the Project.

Section 2. Authorization of Treasurer to Arrange for Sale of Bonds and Determine Bond Details.

2.1 The Treasurer is authorized to arrange for the sale of the Bonds, with or without premium, at one time or from time to time, as one or more separate bond issues, as tax-exempt or as taxable obligations, at public or private sale to such parties as the Treasurer determines to be in the Town's interest, including the Maine Municipal Bond Bank, and to execute and deliver loan agreements and other contracts for that purpose, all on such terms not inconsistent with this Order as the Treasurer shall approve, such approval to be conclusively evidenced by the execution thereof.

2.2 To the extent not inconsistent with this Order, the Treasurer is authorized to determine the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s), and all other details, terms, and provisions of each issue of the Bonds, and to approve the form and manner of their sale and award, said approval to be conclusively evidenced by the execution thereof.

2.3 The Treasurer is authorized to provide on behalf of the Town that the Bonds may be redeemable or callable, with or without premium, prior to their maturity.

2.4 In connection with the sale of any of the Bonds, the Treasurer is authorized to select and hire municipal advisors, other consultants, underwriters, registrars, paying agents, and transfer agents and to execute and deliver such contracts or agreements for that purpose as may be necessary or appropriate, and any actions the Treasurer may have previously taken consistent with this authorization are hereby ratified and confirmed in all respects.

2.5 The Treasurer is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of any of the Bonds, if applicable, in such form and containing such information as may be approved by the Treasurer with the advice of bond counsel for the Town. The use and distribution of any such Preliminary Official Statement and Official Statement in the name and on behalf of the Town in connection with offering the Bonds for sale, if applicable, is hereby approved.

2.6 Any actions the Treasurer may have previously taken consistent with this Order are hereby ratified and confirmed in all respects.

Section 3. Bonds to Be Registered.

3.1 The Bonds shall be issued in the name of the Town and in registered form transferable only on the registration books of the Town, which registration books may be kept by the Town or its transfer agent, upon surrender thereof with a written instrument of transfer, duly executed by the registered owner or the registered owner's attorney in fact duly authorized in writing.

3.2 As an alternative to the provisions of **Section 3.1**, above, regarding physical transfer of Bonds, the Treasurer is authorized to undertake all acts necessary to provide for the issuance and transfer of the Bonds in book-entry form pursuant to the Depository Trust Company Book-Entry Only System and to enter into a Letter of Representation or any other contract, agreement, or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the Bonds for and participate in the Depository Trust Company Book-Entry Only System.

Section 4. Form of Execution; other Bond Documents and Terms.

4.1 The Bonds shall be executed and delivered by the Treasurer and countersigned by the Chair of the Town Council, attested by the Town Clerk, with the official seal of the Town affixed as applicable, and otherwise be in such form and contain such terms and provisions not inconsistent herewith, as they shall approve, their approval to be conclusively evidenced by their execution thereof. Any signature thereon may be by facsimile to the extent permitted by law.

4.2 The appropriate officials of the Town are authorized to execute and deliver on behalf of the Town such other documents and certificates as may be necessary or convenient to the issuance, execution, or delivery of the Bonds.

Section 5. Compliance with Applicable Arbitrage, Private Activity, and other Federal Laws and Rules.

5.1 If the Bonds, or any of them, are issued on a tax-exempt basis, the Treasurer is authorized and directed to certify on behalf of the Town that neither the proceeds of the Bonds nor the Project shall be used in any manner that would cause the Bonds to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141 of the Internal Revenue Code of 1986, as amended (the "Code").

5.2 If the Bonds, or any of them, are issued on a tax-exempt basis, the Treasurer is authorized in connection with the Bonds to execute and deliver on behalf of the Town an arbitrage and use of proceeds certificate in form approved by bond counsel for the Town, and to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, and to take all other lawful actions necessary to ensure that the interest on the Bonds will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof.

5.3 If applicable to the Bonds, the Treasurer is authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of the Bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other actions that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission are met.

5.4 The Treasurer, in consultation with bond counsel for the Town, is authorized to implement written procedures with respect to the Bonds for the purpose of (i) ensuring timely "remedial action" for any portion of the Bonds that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and (ii) monitoring the Town's compliance following the issuance of the Bonds with the arbitrage, yield restriction, and rebate requirements of the Code and regulations thereunder.

Section 6. Authorization of Treasurer to Designate Bonds as Bank Qualified.

6.1 The Treasurer may designate, and is authorized to take all such actions as may be necessary to designate, any of the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code.

Section 7. Further Authorization to Effect Issuance, Sale, and Delivery of the Bonds.

7.1 The Treasurer, Town Clerk, and other proper officials of the Town, acting singly, are hereby authorized and empowered in the name of the Town and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale, and delivery of the Bonds and the accomplishment of the Project.

7.2 If the Treasurer, Chair, or Town Clerk for any reason is unavailable to, as applicable, approve, execute, attest, or deliver the Bonds or any other documents necessary or convenient to the issuance, execution, attestation, or delivery of the Bonds or the accomplishment of the Project, the person or persons then acting in any such capacity, whether as assistant, deputy, successor, or otherwise, shall be authorized to act for such unavailable official with the same force and effect as if such official had performed such act.

7.3 If any of the officers or officials of the Town who have signed, attested, or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed, attested, and sealed shall have been actually authenticated or delivered by the Town, such Bonds nevertheless may be authenticated, delivered, and issued with the same force and effect as though the person or persons who signed, attested, or sealed the Bonds had not ceased to be such officer or official; and also, any such Bonds may be signed, attested, or sealed on behalf of the Town by those persons who, at the actual date of execution of the Bonds, are the proper officers or officials of the Town, although at the nominal date of the Bonds any such person is no longer such officer or official.

Section 8. Consolidation; Exchanges or Transfers of Bonds; Redemption.

8.1 Any or all of the Bonds may be consolidated with and become a part of any other issue of bonds or notes of the Town authorized to be issued.

8.2 The Treasurer, Chair, and Town Clerk are authorized to, from time to time, execute such Bonds as may be required to provide for exchanges or transfers of Bonds authorized hereunder.

8.3 The Bonds (or bonds issued to refund such Bonds) may be made subject to redemption prior to their stated dates of maturity at the option of the Town, as a whole or in part at any time, in such order of maturity as the Treasurer, in the Treasurer's discretion, may determine at the respective redemption prices. While any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Treasurer is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities, and all other terms and details of such refunding bonds, including the form and manner of their sale and award. The Treasurer is further authorized to provide that any of such refunding bonds be made callable, with or without premium, prior to their stated date(s) of maturity. Each refunding bond issued hereunder shall be signed by the officials authorized herein to execute the Bonds, whose signatures may be by facsimile to the extent permitted by law, attested to by the Town Clerk under the seal of the Town, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

Section 9. Costs of the Project.

9.1 The term "cost" or "costs," as used in this Order and applied to the Project, includes all costs related to the Project, including without limitation (1) costs to acquire, design, engineer, construct, renovate, repair, improve, equip, and furnish all or any portion of the Project and of any infrastructure related to the Project, and of any addition or expansion to existing building(s) for the Project, as applicable; (2) costs of landscaping, site preparation, and removal and demolition of any existing buildings and improvements; (3) costs of land, easements, other real property interests, and licenses acquired or conveyed in connection with the Project; (4) costs of planning and development, site selection, preparation of specifications, surveys, engineering and feasibility studies, and other professional services associated with the Project; (5) costs of environmental studies, appraisals, and assessments; (6) interest costs on the Bonds for the period prior to and during construction and for a period not greater than the earlier of the date the Project is placed in service and the date three years from the issue date of the Bonds; and (7) financing charges and issuance costs related to the sale and issuance of Bonds, including without limitation premiums for insurance, capitalized interest, financial advisor fees and costs, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses.

Section 10. Declaration of Official Intent.

10.1 The Town hereby resolves and declares its official intent pursuant to Section 1.150-2(e) of the Treasury Regulations that the Town reasonably expects to use the proceeds of the Bonds to reimburse certain original expenditures from the Town's general fund, paid not earlier than 60 days prior to adoption of this Order or to be paid, which original expenditures have been or will be incurred in connection with costs of the Project; and that the Town reasonably expects that the maximum principal amount that the Town will issue to finance the Project is $3,300,000; and further directs that an attested copy of this Order and Declaration of Official Intent be kept with the records of the Bonds as required by the Code and be reasonably available for public inspection.

Section 11. Filing with Official Records.

11.1 The Town shall file an attested copy of this Order with the minutes of this meeting.

This Order is dated this August 18, 2026

Being a majority of the Town Council of the Town of Old Orchard Beach

A true copy, attest:

Kim McLaughlin
Town Clerk
Town of Old Orchard Beach
(Note: file an attested copy of this Order with the meeting minutes)

TOWN OF OLD ORCHARD BEACH
WARRANT AND NOTICE OF ELECTION
GENERAL MUNICIPAL ELECTION

York County, ss. State of Maine

To: Kim McLaughlin, Town Clerk of the Town of Old Orchard Beach:

You are hereby required in the name of the State of Maine to cause the voters of the Town of Old Orchard Beach to be notified of the General Municipal Election described in this Warrant and Notice of Election.

TO THE VOTERS OF THE TOWN OF OLD ORCHARD BEACH:

You are hereby notified that a General Municipal Election in this municipality will be held at the Old Orchard Beach High School, 40 E. Emerson Cummings Blvd. in the Town of Old Orchard Beach on November 3, 2026, for the purpose of determining the following question:

Question 1: Shall Order # 2026-2 entitled, "Order to Authorize the Town of Old Orchard Beach to Issue General Obligation Bonds in the Principal Amount Not to Exceed $3,300,000 to Acquire and Install New Radio Frequency Equipment" be adopted?

TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT

1. **Total Town Indebtedness**

Bonds Outstanding and Unpaid		$ 39,610,732.60
Bonds Authorized but Unissued		$ 1,000,000.00
Bonds to be Issued if this Article is Approved		$ 3,300,000.00
	Total:	$ 43,910,732.60

2. **Estimated Costs of Proposed Bonds**

At an estimated average annual interest rate of 3% for a 10-year term, the estimated costs of this bond issue will be:

Principal	$ 3,300,000.00
Interest	$ 578,242.77
Total Principal & Interest to be Paid at Maturity	$ 3,878,242.77

3. **Validity**

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above Estimated Costs of Proposed Bonds. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Bryan Patenaude, Treasurer

Town Council Recommends: 3-0 comm
Finance Committee Recommends: 4-0 BP

The voting on the Question 1 shall be by secret ballot referendum and the polls shall be opened at 8:00 a.m. and closed at 8:00 p.m.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

The Town Clerk intends to process absentee ballots anytime between Tuesday, October 27th, and Monday, November 2nd, beginning each day at 9:00 a.m. If a member of the public makes a written request by 4 p.m. the day before each processing day, to inspect absentee ballots and envelopes before they are processed, an inspection period will be provided from 8:00 a.m. until 9:00 a.m. The Town Clerk intends to process absentee ballots on election day, as well, beginning at 9:00 a.m. and every hour on the hour until all absentee ballots are processed at the polling location.

Signed and dated at the Town of Old Orchard Beach, 8/18/, 2026.

Michael K Tousignant

A Majority of the Town Council of the Town of Old Orchard Beach

A true copy of the Warrant and Notice of Election, attest:

Kim McLaughlin

Kim McLaughlin, Town Clerk
Town of Old Orchard Beach