

CASCO BAY ISLAND TRANSIT DISTRICT

MINUTES OF THE MEETING OF

OCTOBER 22, 2009

Directors Present: Phipps, Moreau (via telephone), Doane, Overlock, Rockett, Peretti, Hoppin, Donoghue, Hoffner

Directors Absent: Crowley, Johnston, Flynn

Others Present: Mac McKone, Erno Bonebakker, Paul Farrow, Dick Ranaghan of Gorham Saving Bank, Kevin Attra

Staff Present: Mavodones, Sawtelle, Williams, Gildart

1. Call to Order: The meeting was called to order by President Rockett at 7:50 a.m.

2. Approve Minutes of September 24, 2009 Board of Directors Meeting: Hoppin moved, Hoffner seconded and the vote was 7 for and 1 abstain (Peretti) to accept the minutes of the September 24, 2009 Board of Directors meeting.

3. Treasurer's Report: Overlock gave an overview of the September Financial Statements noting the surplus figures are better this year than the past three years. Questions from the Board were answered regarding rural/urban FTA grants and the surplus fund in the budget. The detailed 6 month budget going forward has been completed and is included in the Board package. Overlock then moved to accept the revised 6 month budget and Hoffner seconded. Phipps noted that it is improper to vote on a revised budget without a public hearing or having it on the agenda and asked to amend the motion to table the original motion. There was no second and after further discussion, Overlock moved to amend the original motion to remove the wording of revised and replace it with updated. Hoppin seconded and the vote was 6 for, 3 opposed (Phipps, Peretti, Moreau) and the amendment passed. The original motion was voted on and the vote was 6 for, 3 opposed (Phipps, Peretti, Moreau) and the motion passed to approve the updated 6 month budget ending March 31, 2010.

4. General Information Reports:

a. President's Report: There was no President's report.

b. Committee Reports: Chris Hoppin said the Rate Structure Committee meeting will meet on November 10th, following the Sales and Marketing Committee meeting. Scott Johnston said the Sales and Marketing Committee will meet on November 10th at 7:45 a.m. The Operations committee reviewed the two way ticketing system and agreed not to bring forth a paper two way ticketing system to the Board at this time and to focus on electronic ticketing only. Matt Hoffner reported that the GM Search committee received 136 resumes and will meet on Tuesday, October 27th to score the resumes and choose the top several to interview via telephone. A decision will be made by the committee on the final 2 to 4 candidates to be interviewed by the Board of Directors for a decision. Matt thanked each member for the long hard hours that have been put in on the committee. He also noted the expenses for the search to date were \$926.00. Moreau had nothing to report on the wharfs.

c. Staff Reports: The Interim General Manager/Operations Manager report is included in the Board package. Mavodones answered questions from the Board on the protocol for breakdowns of vessels. He was asked to update the Board on the new vessel that will be built using stimulus funding. It was noted that this project will be overseen by MDOT because of the funding which is at 100%. No further action will be needed by the Board other than minor tweaking.

5. Public Comment: Jim Phipps introduced Erno Bonebakker, the Chebeague candidate to the Board.

6. Business:

a. Consideration and action to adopt necessary bank resolution to execute the Revenue Anticipation Note (Line of Credit): Mavodones introduced Dick Ranaghan, Senior Vice President of Gorham Savings Bank to the Board. Mavodones discussed the meetings that Mr. Ranaghan and staff had regarding the Line of Credit and a possible banking relationship. Mr. Ranaghan answered questions from the Board and noted that the interest rate for the Revenue Anticipation Note would be 1.97%. Overlock moved and Donoghue seconded to authorize the District's President, Treasurer and its Interim General Manager to open any and all necessary bank accounts with Gorham Savings Bank. The vote to accept the motion was unanimous.

b. Consideration and action to Adopt the Federal Transit Administration's Certifications and Assurances for FY 2010: Peretti moved, Phipps seconded and the vote was unanimous to accept the following FTA Certifications and Assurances for FY 2010:

FEDERAL FISCAL YEAR 2010 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: _____

The Applicant agrees to comply with applicable provisions of Categories 01 – 24. _____ OR

The Applicant agrees to comply with the applicable provisions of the following Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	Assurances Required For Each Applicant.	_____ x _____
02.	Lobbying.	_____ x _____
03.	Procurement Compliance.	_____ x _____
04.	Protections for Private Providers of Public Transportation.	_____ x _____
05.	Public Hearing.	_____ x _____
06.	Acquisition of Rolling Stock for use in revenue service.	_____ x _____
07.	Acquisition of Capital Assets by Lease.	_____ n/a _____
08.	Bus Testing.	_____ n/a _____
09.	Charter Service Agreement.	_____ x _____
10.	School Transportation Agreement.	_____ x _____
11.	Demand Responsive Service.	_____ n/a _____
12.	Alcohol Misuse and Prohibited Drug Use.	_____ x _____
13.	Interest and Other Financing Costs.	_____ x _____
14.	Intelligent Transportation Systems.	_____ x _____
15.	Urbanized Area Formula Program.	_____ x _____
16.	Clean Fuels Grant Program.	_____ n/a _____
17.	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.	_____ n/a _____
18.	Nonurbanized Area Formula Program for States.	_____ x _____
19.	Job Access and Reverse Commute Program.	_____ n/a _____
20.	New Freedom Program.	_____ n/a _____
21.	Paul S. Sarbanes Transit in Parks Program.	_____ n/a _____
22.	Tribal Transit Program	_____ n/a _____
23.	Infrastructure Finance Projects.	_____ n/a _____
24.	Deposits of Federal Financial Assistance to a State Infrastructure Banks.	_____ n/a _____

FEDERAL FISCAL YEAR 2010 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant: _____

Name and Relationship of Authorized Representative: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes and regulations, and follow applicable Federal directives, and comply with the certifications and assurances as indicated (above) applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2010.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2010.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature _____ Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal governmental law, as applicable, to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature _____ Date: _____
Name _____ Attorney for Applicant

Each Applicant for FTA financial assistance and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

d. Adopt Resolution for filing an FTA Preventive maintenance and Capital Purchase grant: Phipps moved, Overlock seconded and the vote was unanimous to accept the following resolution:

Resolution authorizing the filing of an application and executing a grant with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended, for preventive maintenance of the vessels, facilities, other equipment and other capital projects of the Casco Bay Island Transit District.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the United States Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder;

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that minority business shall have the opportunity to bid on construction contracts, supplies, equipment contracts, or consultant and other services.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Casco Bay Island Transit District (the "District"):

1. That the District seek funding for preventive maintenance of the vessels, facilities, other equipment and other capital projects;
2. That the acquisition cost of this project be paid from the following sources:
 - A. 80% of the total cost of the project to come from a Federal Transit Administration grant;
 - B. As much as possible of the remaining cost to come from other grants or sources of aid;
 - C. All of the remaining costs, including transaction and incidental and related costs to pay the balance of the project, to come from the District through borrowing, operational revenues, or other revenue sources;
3. That the District request assistance in this project from the U.S. Department of Transportation Act of 1964, as amended, in accordance with the proposed grant application seeking a grant of up to \$600,000 for funding for preventive maintenance of the vessels, facilities, other equipment and other capital projects (the "Grant Application");
4. That the District comply with all applicable requirements of the Urban Mass Transportation Act of 1964 as amended;
5. That the General Manager is authorized to execute and file the Grant Application on behalf of the Casco Bay Island Transit District with the U. S. Department of Transportation, to aid in the financing of capital assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended;
6. That the General Manager is authorized to execute and file with such Grant Application an assurance or any other document required by the U. S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964;
7. That the General Manager is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application for the program of projects;
8. That the General Manager is authorized to set forth and execute affirmative minority business policies in connection with the program of projects' procurement needs;
9. That the General Manager is authorized to execute grant agreements on behalf of the Casco Bay Island Transit District with the U. S. Department of Transportation for aid in the financing of the capital assistance program of projects.

CERTIFICATE

The undersigned duly qualified and acting President of the Casco Bay Island Transit District certified that the foregoing is a true and correct copy of a resolution, adopted as a legally convened meeting of the Board of Directors of the Casco Bay Island Transit District held on

October 22, 2009

a. Select a nomination committee to bring forth a slate of Officers at the November 20th Board Meeting: After conducting a secret ballot, the Nominating Committee is Chris Hoppin,

Scott Johnston and Bill Overlock. The Nominating Committee will set a date to discuss the new Executive Committee nominations prior to the November Board meeting.

Note: Executive Session taken out of order, Agenda 6 F was discussed in Executive Session first.

e. Executive Session Discussion with counsel on terms of the District's lease with the City of Portland, pursuant to 1 M.R.S.A., sec 405 (6)(c) and (e): Peretti moved, Phipps seconded and the vote was unanimous to go into executive session for discussion of Agenda 6 F. Hoffner moved and Doane seconded to come out of Executive session. Johnson moved and Hoppin seconded to go back into executive session for agenda item 6e. Donoghue recused himself from participating in the Executive Session 6 e.

f. Executive Session: Discussion of collective bargaining negotiations guidance pursuant to 1 M.R.S.A. sec 405 (6)(d). Peretti moved and Phipps seconded to come out of Executive Session.

7. New Business: none

8. Workshop: none

9. General Announcements:

- a. Scheduled meetings: Executive Committee, Thursday, Nov. 5th, 7:45 a.m.
Rate Structure, Tues., Nov. 10th, following Sales & Marketing
Sales & Marketing, Tues. Nov. 10th, 7:45 a.m.
Operations Committee, Thursday, Nov. 12th, 7:45 a.m.
Finance Committee, Wednesday, Nov. 18th, 7:45 a.m.
Directors Meeting: Thurs. Nov. 19th, 7:45 a.m.

b. Correspondence:

10. Adjournment: The meeting was adjourned at 9:45 a.m.

Respectfully submitted by: _____ Dan Doane, Clerk