



JANUARY 4, 2016
6:45 P.M.

**CITY OF OLD TOWN
FINANCE COMMITTEE
AGENDA**

**City Hall-Council Chambers, 2nd Floor
265 Main Street-Old Town, ME**

1. **Call to Order** (Please silence or turn off cell phones)

2. **Airport**

Airport Manager Lance Farrar is requesting a recommendation to the full Council to accept the bid from Greenway Equipment in the amount of \$83,000 for a John Deere Tractor. The Tractor comes with a snow blower, loader, bush hog and a chipper. Funds will come from Account 7000-0414 Heavy Equipment Reserve.

3. **Adjournment**

FUTURE AGENDA ITEMS

*Heavy Equipment Replacement Capital Account Discussion
Public Safety, Library,
UDAG Loan Discussion
Foreclosures
IT-Phones, Upgrade, IT Staffing
Legislative Affairs
RSU #34 Update*

Note: The Finance Committee is composed of Councilors McLeod (Chair), May, Nuttall and Council President Mahan.



**JANUARY 4, 2016
7:00 P.M.**

**AGENDA
REGULAR COUNCIL MEETING
City Council Chambers, 2nd Floor
265 Main Street-Old Town, Maine**

- I. CALL TO ORDER** (Please turn off or silent cell phones)
- II. FLAG SALUTE**
- III. ROLL CALL**
- IV.** Approval of the Minutes of the December 7, 2015 Organizational and Regular Council Meetings and the December 21, 2015 Special Council Meeting.
- V. PETITIONS, COMMUNICATIONS AND CITIZENS' REQUESTS**
- VI. REPORTS**
 - A. Council President**
 - B. Standing Committees (Finance, Public, Administrative & Economic Services; Landfill, Legislative, Sewer, Airport & Housing sub-committees)**
 - C. City Councilors**
 - D. City Attorney**
 - E. Special Committees**
 - F. School Board Liaison**
 - G. City Manager**
- VII. CONSENT AGENDA (New Business items 1, 2, 3, 4, 5 & 6)**

Suggested motion: Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, 3, 4, 5 & 6 as presented.

(Councilor Roach)

VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

IX. OLD BUSINESS

X. NEW BUSINESS

1. The City Council will consider a renewal appointment to the Old Town Housing Authority Board of Trustees.

Suggested motion: Resolved, the Old Town City Council hereby re-appoints Harold Laskey to the Old Town Housing Authority Board of Trustees with a term to expire 12/31/2010.

2. The City Council will consider amending the Councils Rules of Order and Procedure by deleting F. School Board Liaison under Section 32 Order of Business.

Suggested motion: Resolved, the Old Town City Council hereby amends Section 32 Order of Business of the Council Rules of Order and Procedure by deleting "F. School Board Liaison" from the Agenda Reports section.

3. The City Council will consider accepting a Grant in the amount of \$5,660. The funds will be used to enforce OUI laws, promote public awareness and to work with the District Attorney's Office to promote consistent prosecution.

Suggested motion: Resolved, the Old Town City Council hereby accepts the 2016 Evidence Based Impaired Driving HVE Grant in the amount of \$5,660 as recommended by the Finance Committee.

4. The City Council will consider accepting a bid for the relocation of electrical service for the Airport Terminal building. This was discussed at the December 21, 2015 Finance Committee and the committee's recommendation was the cost not to exceed \$40,000.00

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from Carmel Electric in the amount of \$28,400.00 to relocate the electrical service at the Airport Terminal building. Funds will come from the Airport Hangar Reserve Account #03560.

5. The City Council will consider approval of a Liquor License and Special Amusement Permit for the American Legion.

Suggested motion: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Spirituous & Vinous Liquor License and Special Amusement Permit for the American Legion, Tedd-Lait Post #75, 20 Water Street.

6. The City Council will consider approval of a renewal application for a Malt, Vinous & Spirituous Liquor License & Special Amusement Permit for the Boomhouse Restaurant.

Suggested motion: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Spirituous & Vinous Liquor License and a Special Amusement Permit (No dancing) for Luke Duplessis and Matthew Duque, d/b/a The Boomhouse Restaurant, 170 Main Street.

7. The City Council will hear from Phil Ruck of Stillwater Environmental Engineering on Stormwater 101 as a requirement of the City's Ms4 Permit.

8. The City Council will consider accepting a bid from Greenway Equipment for a John Deere Tractor at the Airport.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from Greenway Equipment in the amount of \$83,000 for a John Deere Tractor for the Airport. Funds are to come from Account #7000-0414 Heavy Equipment Reserve.

(Councilor Nuttall)

9. The City Council will consider granting an Easement to Emera for utility purposes near the terminus of Woodland Avenue.

Suggested motion: Resolved, the Old Town City Council hereby approves granting an Easement to Emera, Maine for utility purposes near the terminus of Woodland Avenue and being the same land previously conveyed by Cora Paradis to the City.

(Councilor Roach)

10. The City Council will consider going into Executive Session for the purpose of discussing an economic development issue relating to the Expera mill.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to Title 1, M.R.S.A., §405(6)(C) for the purpose of discussing an economic development issue relating to the Expera mill.

(Councilor May)

XI. ADJOURNMENT



ORGANIZATIONAL COUNCIL MEETING – DECEMBER 7, 2015

Council convened December 7, 2015 in the City Council Chambers at 265 Main Street.
 Councilors present:, Jan Klitch, Carol May, Linda McLeod, Stan Peterson and Eric Roach. Councilors elect David Mahan and John Nuttall.
 Administration present: Bill Mayo, Patty Brochu, Erik Stumpf, Cindy Jennings, John Rouleau, Steve O'Malley and David Smith.
 Others present: Reverend Bruce Stevens, School Board Members elect James Dill and Brooke Gardner and 1 citizen in the audience.

City Clerk Patty Brochu called the meeting to order at 6:30 pm.

The City Clerk introduced Reverend Bruce Stevens, from the United Baptist Church, and he gave an Invocation to the Council and audience.

The City Clerk administered the Oath of Office to Councilors Elect David Mahan and John Nuttall and RSU #34 Board Member elect James Dill and Brooke Gardner.

The City Clerk called for election of Council President. Councilor May, seconded by Councilor Klitch moved to elect David Mahan as Council President. **Approved all in favor, 7-0.**

The City Council considered adopting the Rules of Order and Procedure for conducting meetings.

Council President Mahan noted that he polled the Councilors to see if they wanted to set the meetings for 6:30 p.m. instead of 7:00 p.m. and the response was negative.

The Council also discussed changing the day for the second meeting of the month due to the School Board having their meetings on the same Wednesday nights. It was the consensus of the Council to change the second meeting of the month to the 3rd Monday of each month.

Councilor Roach, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby adopts the Old Town City Council's Rules of Order and Procedure as presented. **Approved all in favor, 7-0.**

The City Council considered approving a Resolution for establishing a regular place and time for holding meetings.

Councilor May, seconded by Councilor Mahan, Resolved, the Old Town City Council hereby approves Resolution 2014-3 establishing a time and place for City Council Meetings.

Roll Call Vote:

<i>Councilor Nuttall</i>	<i>Yes</i>
<i>Councilor Peterson</i>	<i>Yes</i>
<i>Councilor Roach</i>	<i>Yes</i>
<i>Councilor Klitch</i>	<i>Yes</i>
<i>Councilor May</i>	<i>Yes</i>
<i>Councilor McLeod</i>	<i>Yes</i>
<i>Councilor Mahan</i>	<i>Yes</i>

Motion unanimously approved, 7-0.

Reverend Bruce Stevens gave a Benediction at the end of the meeting.

Councilor Klitch, seconded by Councilor Nuttall, moved to adjourn at 6:41 p.m.
Approved all in favor, 7-0.

Adjourned,

Patricia A. Brochu, CMC
City Clerk-Old Town, ME



REGULAR COUNCIL MEETING – DECEMBER 7, 2015

Council convened December 7, 2015 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Jan Klitch, Carol May, Linda McLeod, John Nuttall, Eric Roach and Stan Peterson.

Administration present: Bill Mayo, Erik Stumpf, Patty Brochu, Steve O’Malley, John Rouleau and David Smith.

Others present: one citizen in the audience.

Council President Mahan called the meeting to order at 7:00 p.m.

Councilor Nuttall, seconded by Councilor May, moved to approve the Minutes of the November 2, 2015 Regular Council Meeting, the November 4, 2015 and November 18, 2015 Special Council Meetings. **Approved all in favor, 7-0.**

REPORTS

President Mahan reminded Councilors that he sent out the Committee listing and for them to get back to him to confirm.

Councilor May reported the Holiday Hullabaloo was a success.

Manager Mayo: 1) He’s been getting through the Brownfield Assessment review grant; 2) has a meeting with Attorney Jim Katsiafikas and the Solid Waste Review Committee to hear update on the landfill expansion; 3) He asked if the Councilors received the Comprehensive Plan draft document and they replied yes but because of it being so many pages, they did not print it off.

CONSENT AGENDA

Councilor Nuttall, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1 & 2 as presented and as follows:

Item #1: Resolved, the Old Town City Council hereby accepts the bid from North Star Protection, LLC in the amount of \$20,899.80 to replace the existing camera system in the Police Department as recommended by the Finance Committee. Funds are to come from the Capital Technical Equipment Reserve Account #7100-0414.

Item #2: Resolved, the Old Town City Council hereby approves entering into a Memorandum of Agreement with the River Coalition for the purpose of the Police Department conducting Alcohol Detection Details-Anonymous Tip Line Program as recommended by the Finance Committee. The City Council further authorizes the Police Chief to execute said Agreement.

Consent agenda items unanimously approved 7-0.

NEW BUSINESS

The City Council considered authorizing the Airport Manager to sell the Cherokee Hangar at the Airport.

Councilor Peterson, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby authorizes the Airport Manager to take all necessary steps to sell the Cherokee Hangar at the Airport as recommended by the Finance Committee. The proceeds of the sale will go back into the Airport Hangar Reserve Account R0665. Also noted by making this motion, The Council is waiving the appraisal requirement. **Approved all in favor, 7-0.**

The City Council considered accepting a bid for city owned property at 61 Sixth Street.

Councilor Peterson, seconded by Councilor May, Resolved, the Old Town City Council hereby accepts the bid from Robyn Emmons in the amount \$21,111.00 for land and building located at 61 Sixth Street. The Council further authorizes the City Manager to take all necessary actions to complete the transaction. **Approved all in favor, 7-0.**

The City Council considered going into Executive Session for the purpose of discussing the FBRI building at the mill.

Councilor May, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:06 p.m. pursuant to Title 1, M.R.S.A., §405(6)(C) for the purpose of discussing the FBRI building at the mill. **Approved all in favor, 7-0.**

Councilor Klitch, seconded by Councilor Nuttall, moved to come out of Executive Session at 7:24 p.m. **Approved all in favor, 7-0.**

Councilor Klitch, seconded by Councilor Roach, moved to adjourn at 7:24 p.m. **Approved all in favor, 7-0.**

Adjourned,

Patricia A. Brochu, CMC
City Clerk-Old Town, ME



SPECIAL COUNCIL MEETING – DECEMBER 21, 2015

Council convened December 21, 2015 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Jan Klitch, Carol May, Linda McLeod, John Nuttall, Eric Roach and Stan Peterson.

Administration present: Bill Mayo, Erik Stumpf, Patty Brochu, Cindy Jennings, Steve O'Malley, John Rouleau, Travis Roy, David Russell, David Smith and Scott Wilcox.

Council President Mahan called the meeting to order at 7:04 p.m.

REPORTS

Council President Mahan noted that the 2nd meeting in January falls on a Holiday and polled Councilors if they wanted to meet the next evening which is Tuesday January 19th and they concurred to meet that night; He and the Manager met with Superintendent David Walker to discuss a School Board member Liaison. Mr. Walker stated he would have to do that for all RSU towns and it would be too difficult with scheduling meetings. Because of this, President Mahan stated the Rules of Procedures should be amended to delete the School Board Liaison from the Agenda layout at the next meeting.

Councilor May reported on the Sewer Advisory Board meeting she attended. Discussion was on the Policy for Sewer employees flushing out any private lines. The Sewer Advisory Board wants to continue with the policy and not be flushing any private lines.

Manager Mayo reported 1) Phil Ruck will return to discuss Storm Water at the January meeting; 2) Airport Advisory Board met Wednesday and discussed needing to do something with the blower/loader as it's not working correctly; 3) Informed the Council of the JRL expansion and prehearings will start in January; 4) There will be 3 or 4 poverty abatements coming to the Council in the next couple of months.

NEW BUSINESS

The City Council considered accepting an after deadline redemption on foreclosed property for John Mitchell, located at 66 Dartmouth Street for payment of 2012-2016 Real Estate Taxes and 2012 to present Sewer fees in the total amount of \$15,288.13.

Councilor Nuttall, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for John Mitchell, 66 Dartmouth Street for payment of 2012 through 2016 Real Estate Taxes and 2012 to Present Sewer fees in the total amount of \$15,288.13 which includes interest, lien

costs and late redemption fee and further authorize the City Manager to execute a Municipal Quit-Claim Deed. **Approved all in favor, 7-0.**

The City Council discussed directing the City Manager to have the structures demolished and removed from city owned property located at 627 Main Street, Assessor's Tax Map 28, Lot 100.

Councilor Roach, seconded by Councilor May, Whereas the condition of the existing structures places the City of Old Town at risk of possible premises liability claims under 14 M.R.S.A. section 8104-A (2) (B) for injuries that may be sustained by members of the public on the property; Resolved, the Old Town City Council hereby directs the City Manager to take appropriate action to demolish and remove the existing structures located at 627 Main Street, Old Town, Maine, Assessor's Tax Map 28, Lot 100. Funds will be paid out of account # 5035-0262.

Code Officer Russell reported that the house burned and it was already foreclosed by the City. Because it's owned by the City, it does not have to go the Dangerous Building process.

Motion approved all in favor, 7-0.

The City Council considered accepting a bid for the demolition of city owned property located at 627 Main Street. The city received two bids for the demolition of 627 Main Street. One from Street's Landscape and Lawn Care in the amount of \$5,800.00 and one from Thornton Construction in the amount of \$4,500.00.

Councilor McLeod, seconded by councilor Klitch, Resolved, the Old Town City Council hereby accepts the low bid from Thornton Construction in the amount of \$4,500.00 to demolish the building on city owned property at 627 Main Street.

Councilor McLeod asked what the city's plan was for the lot. David Russell replied that an abutter is interested in purchasing the property.

Motion approved all in favor, 7-0.

The City Council considered going into Executive Session for the purpose of discussing an economic development issue relating to the Expera mill.

Councilor May, seconded by Councilor Roach, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:22 p.m. pursuant to Title 1, M.R.S.A., §405(6)(C) for the purpose of discussing an economic development issue relating to the Expera mill. **Approved all in favor, 7-0.**

Councilor Klitch, seconded by Councilor McLeod, moved to come out of Executive Session at 7:45 p.m. **Approved all in favor, 7-0.**

Councilor May, seconded by Councilor McLeod, moved to adjourn at 7:45 p.m.
Approved all in favor, 7-0.

Adjourned,

Patricia A. Brochu, CMC
City Clerk-Old Town, ME

OLD TOWN CITY COUNCIL RULES OF ORDER AND PROCEDURE

COUNCIL MEETINGS

1. **REGULAR COUNCIL MEETINGS:** The Council shall meet in regular session in the Council Chambers at City Hall, 265 Main Street, Old Town, Maine at 7:00 p.m. on the first Monday of each month. If the meeting day falls on a legally stated holiday, the meeting shall be held on the Tuesday following the holiday.
2. **COUNCIL MEETING AGENDA:** All reports, communications, ordinances, resolutions, contract documents, appointments, or other matters to be submitted to the Council shall be delivered to the City Manager and Council President by 10:00 a.m. on the Tuesday prior to the regular Monday meeting if they are to have consideration at that meeting. Agenda items may be submitted by Council members, by the City Manager or by either of these at the request of interested citizens. Agenda items must state clearly the scope and intent of the action to be taken. Items entered for discussion that are not on the agenda may not be voted upon until the next meeting.
3. **SPECIAL MEETINGS:** As required by Article 2, Section 7 of the City Charter: Special Meetings may be called by the President and in case of absence, disability or refusal, may be called by a majority of the members of the City Council. Notice of such meeting shall be served in person or left at the residence of each member of the City Council at least 24 hours before the time of holding said special meeting. The person who calls the meeting shall notify the public of the time and place through appropriate news media.
4. **ADJOURNED SESSIONS:** Any session of the Council may be continued or adjourned from day to day or for more than one day, but no adjournment shall be for longer period than until the next regular meeting.
5. **WORKSHOP SESSION:** The Council may meet in workshop session prior to any regular or special meeting. The Council President may call the Council together for a workshop session at any time. The workshop session shall be devoted exclusively to any matters regarding which the interchange of information preliminary to public discussion is deemed essential. No formal vote shall be taken on any matter under discussion nor shall any council member enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Council, but an informal vote on any matter under discussion may be taken. The press shall be notified and permitted to attend.

6. **EXECUTIVE SESSION:** An executive session may be called only by a three-fifths (3/5) vote of the Council members present and voting. No ordinances, orders, rules, resolutions, regulations, contracts, appointments, or other official action shall be finally approved at an executive session. An executive session shall not be used to defeat the purpose of Title I, Sec. 401, M.R.S.A., which reads as follows:

"The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that their deliberations be conducted openly."

7. **STANDING COMMITTEES, SPECIAL COMMITTEES, BOARD LIAISON**

- a. Standing Committees shall be established by the Council on the recommendation of the President of the Council.
- b. The President of the Council shall appoint Councilors, as appropriate, to all standing committees, but two or more members may exchange assignments by joining in a request to the Chairperson to that effect.
- c. The President of the Council shall appoint all Standing Committee Chairpersons.
- d. The President of the Council shall appoint members to special committees and boards except as otherwise established by Council action.
- e. Committee meetings: All committee meetings will be called by the chairperson of the respective committee with the consent of the regular members. The Council President is an ex-officio member of all standing committees with the same rights and privileges as other committee members.
- f. Standing Committee action shall be referred to the next regular meeting of the Council, except that as an emergency measure the Council may take action at any Regular or Special Council meeting.
- g. Actions approved by Standing Committees shall be forwarded to the full Council as affirmative motion without need of a second.

THE PRESIDING OFFICER

8. **PRESIDING OFFICER:** The President of the Council, or in absence of, the President Pro tempore shall take the duties at the hour appointed for the Council to meet, and shall immediately call the members to order. The roll shall then be taken by the City Clerk, who shall enter in the

minutes of the meeting the names of the members present.

9. **PRESIDENT PRO TEMPORE:** In case of the absence of the President, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present the Council may select a President pro tempore from among its number and who shall exercise all the powers of the President. (Art. 2, Sec. 4, City Charter).

10. **COUNCIL PRIVILEGES:** The President may move, second, declare by unanimous consent, subject to the following limitations. As it is the function of the Council President to preserve order and provide a fair hearing, the President shall reserve the right to speak first and last on any subject before the Council. If the President wants to actively participate in the debate in any other manner, the President should stand down and call another member to take the role of President with the unanimous consent of the other members of the Council. The Council President should not resume the Presidents role until the pending question is disposed of.

11. **DECORUM AND ORDER:** The President shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Council.

- a. During Council meetings, councilors shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the presiding officer or the rules of the Council. Every councilor desiring to speak shall address the President and, upon recognition by the President, shall confine their self to the question under debate and shall avoid all personalities and indecorous language. Every councilor desiring to question the administrative staff shall address the question to the City Manager who shall be entitled either to answer the inquiries or to designate some member of the staff for that purpose. A councilor once recognized, shall not be interrupted while speaking unless called to order by the President, unless a Point of Order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a councilor is called to order while speaking, the Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Councilor shall be permitted to proceed. If ruled to be not in order, the Councilor shall remain silent or shall alter the remarks so as to comply with rules of the Council. All members of the Council shall accord the utmost courtesy to each other, to City employees and to public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statement as to motives and personalities. Members shall be removed from the meeting for failure to comply with decisions of the presiding officer or for continued violations of the rules of the Council. If the President fails to act, any member may move to require the President to enforce the rules and the affirmative vote of a majority of the Council shall require the presiding officer to act.

- b. Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and City employees are concerned, the City Manager also shall be responsible for the orderly conduct and decorum of all City employees under the Manager's direction and control. The City Manager shall take such disciplinary action as may be necessary to ensure that such decorum is preserved at all times by City employees in Council meetings. Any staff member or City Manager desiring to address the Council or members of the public shall be recognized by the President, shall state their name for the record, and shall limit remarks to the matter under discussion. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. No staff member, other than staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the President.
- c. Public members attending Council meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if a police officer is so directed by the President. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the President, who shall direct a police officer to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the President. In case the President shall fail to act, any member of the Council may move to require the President to act to enforce the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act.
- d. Any public member desiring to address the Council shall be recognized by the President, shall state their name and address in an audible tone for the record, and shall limit remarks to the question under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual member thereof. All remarks and questions addressed to the administration of the City shall be addressed to the City Manager and not to any individual City employee. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without the permission of the presiding officer.

12. **QUORUM:** A majority of the Council constitutes a quorum. If less than a quorum convenes at any meeting, the majority of those present may send a police officer or any other person for any or all of the absent members, as the majority of the members agree. If a quorum cannot be obtained, the meeting may be adjourned as provided by Rule 4.

OFFICERS AND EMPLOYEES

13. **ELECTION OF OFFICERS:** Article 2, Section 4. City Charter. At its first meeting following the annual election, or as soon thereafter as possible, the Council shall elect by majority vote, one of its members as President of Council for the ensuing year, and until a successor is elected and qualified.

14. **CLERK AND EMPLOYEES:** The Clerk and other officers and employees of the City are under the control and direction of the President during sessions of the Council.

15. **APPOINTMENTS:** Consideration of all appointments whether by Council or the City Manager with the advice of the Council shall be deferred until the next meeting following their initial introduction.

16. **CITY MANAGER:** The City Manager shall attend all meetings of the Council, except when removal is being considered. The Manager shall keep the Council fully advised as to the financial condition and needs of the City. The Manager may make recommendation to the Council and may take part in discussions on all matters concerning the welfare of the City, but may not vote.

17. **CITY CLERK:** The City Clerk is ex officio Clerk of the Council. The clerk shall keep a minute book in which shall be recorded, in chronological order, minutes of all proceedings of the Council and such other duties as may be ordered by the Council. Within one week after each meeting, the Clerk shall furnish each councilor with a copy of the minutes of the preceding meeting. In the absence of the Clerk, the Council shall appoint a temporary clerk to perform the duties.

18. **CITY ATTORNEY:** The City Attorney shall attend all regular meetings of the Council. The Council, the President, the City Manager, or the Chairperson of the School Board may at any time call upon the City Attorney for an oral or written opinion to decide any question of law. He may be asked to state his opinion upon any rule of parliamentary procedure, which opinion shall not be binding on the Council.

19. **OFFICERS AND EMPLOYEES TO ATTEND:** The head of any department, or any officer or employee of the City, when requested by the City Manager or the Council, through the City Manager shall attend any regular, adjourned, or special meeting and confer with the Council on all matters relating to the City.

DUTIES AND PRIVILEGES OF MEMBERS

20. **SEATING ARRANGEMENT:** Members shall occupy the respective seats in the Council chamber assigned to them by the Council President, but any two or more members may exchange seats by joining in a written notice to the President to that effect.

21. **RIGHT OF FLOOR:** When recognized by the President a member shall confine them self to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's argument or vote. No member shall address the President or demand the floor while any vote is being taken.

22. **PERSONAL INTEREST:** A member stopped from voting by personal interest need not remain in the Council chamber during the debate and vote on any such matter.

23. **RIGHT OF APPEAL:** Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for it, and the presiding officer may briefly explain their ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the President be sustained?" If a majority of the members present vote in favor the ruling of the President is sustained; otherwise, it is overruled.

24. **LIMITATION OF DEBATE:** No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken and no member shall speak more than twice upon any one subject, nor for a longer time than ten minutes, without leave of the Council.

25. **VOTING:** Every member present when a question is put shall vote either "Yes" or "No," unless the Council shall, for special reason, excuse them from voting. Application to be excused from voting must be made before the votes are called for. The member having briefly stated the reason for their request, the decision thereon shall be made without debate.

26. **DEMAND FOR ROLL CALL:** Upon demand of any member, made before the negative has been put, the roll shall be called for yeas and nays upon any question before the Council. It shall not be in order for members to explain their vote during roll call.

27. **PERSONAL PRIVILEGE:** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which their integrity, character, or motives are assailed, questioned or impugned.

28. **DISSENTS AND PROTEST:** Any member shall have the right to express dissent or protest against any ordinance or resolution of Council and have the reason therefore entered upon the journal. Such dissent or protest must be filed in writing, couched in respectful language, and presented to Council not later than the next regular meeting following the date of passage of the ordinance or resolution objected to.

29. **EXCUSAL FROM ATTENDANCE:** No member shall be excused from attendance at a Council meeting, without notification to the City Clerk prior to the meeting.

30. **EXCUSAL DURING MEETING:** No member may leave the Council Chamber while in regular session without permission from the President of the Council.

31. **APPOINTMENT TO MUNICIPAL BOARDS AND COMMISSIONS:** All appointments to City Boards and Commissions shall be made in accordance with statutes and the City Charter.

COUNCIL PROCEDURE

32. **ORDER OF BUSINESS:** The business of all regular meetings of the Council shall be transacted in the following order, unless the Council changes the order:

AGENDA OLD TOWN CITY COUNCIL (DATE, PLACE & TIME OF MEETING)

- I. Call to Order
- II. Flag Salute
- III. Roll Call
- IV. Approval of the Minutes
- V. Petitions, Communications and Citizens' Requests
- VI. Reports
 - A. Council President
 - B. Standing Committees (Finance, Public, Administrative & Economic Services; Landfill, Legislative, Sewer, Airport & Housing sub-committees)
 - C. City Councilors
 - D. City Attorney
 - E. Special Committees
 - ~~F. School Board Liaison~~
 - G. City Manager
- VII. Consent Agenda
- VIII. Public Hearings and Second Reading of Ordinances
- IX. Old Business
- X. New Business
- XI. Adjournment

At each meeting, the minutes of the preceding meeting shall be read, unless the reading is dispensed with by consent of the Council. If no objection is made to the minutes, the President shall declare them approved.

33. **DOCUMENTS PREPARED BY MANAGER:** The Manager shall have copies of all ordinances, resolutions, and documents ready for delivery to the Council by 8:00 p.m. on Friday before which they are to come before the Council for consideration.

34. **PROCEDURE OF MOTIONS:** When a question is before the Council no motion shall be entertained except: (a) to adjourn, (b) to recess, (c) to table, (d) for the previous question, (e) to

refer, (f) to amend, and (g) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate.

35. **COMMITTEE OF THE WHOLE:** When the Council shall decide to go into Committee of the Whole, without objection, the regular officers shall continue to serve, otherwise the Council shall appoint a Chairperson to preside, and the President of the Council shall leave the chair. The rules of the Council as far as applicable shall be observed in the Committee of the Whole, except that no limit shall be placed on the frequency of speaking, that the yeas and nays shall not be taken and that motion to rise and report progress shall always be in order and shall be decided without debate.

36. **MOTIONS TO BE STATED BY THE COUNCIL PRESIDENT - WITHDRAWAL:** When a motion is made and seconded, it shall be stated by the President before debate. Any member may demand that it be put in writing by the Clerk. A motion may not be withdrawn by the mover without the consent of the member seconding it.

37. **MOTION OUT OF ORDER:** The Council may at any time permit a member to introduce an ordinance, resolution, or motion out of the regular order.

38. **MOTION TO ADJOURN - WHEN NOT IN ORDER - NOT DEBATABLE: A MOTION TO ADJOURN IS IN ORDER AT ANY TIME, EXCEPT AS FOLLOWS:**

- (a) When repeated without intervening business or discussion;
- (b) When made as an interruption of a member while speaking
- (c) When the previous question has been ordered; and
- (d) While a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is to be adjourned.

39. **MOTION TO TABLE:** A motion to table precludes all amendments or debate of the subject under consideration. If the motion prevails, consideration of the subject in the same session may be resumed only upon the affirmative vote of at least 5 members of the Council.

40. **THE PREVIOUS QUESTION:** When the previous question is moved and seconded, there shall be no further amendment or debate; but pending amendments shall be put in the order before the main question. If a motion for the previous question fails, the main question and any pending amendments remain open for debate.

41. **AMEND AN AMENDMENT:** A motion to amend an amendment is in order, but one to amend an amendment to an amendment may not be introduced. An amendment modifying the intention of a motion is in order, but an amendment relating to a different motion is not in order.

42. **MOTION TO POSTPONE:** All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

43. **YEAS AND NAYS:** On the passage of every ordinance or resolution, the vote to be taken by yeas and nays and entered in full upon the record. Every member shall be required to vote, unless

excused for cause by vote of the Council. The vote shall be for or against a pending ordinance or resolution and not on the report of the committee thereon.

44. **PROCEDURE IN ABSENCE OF RULE:** In all cases where the parliamentary proceedings are not herein determined, "Roberts' Rules of Order" shall be taken as authority to decide the course of the proceedings.

45. **ANONYMOUS COMMUNICATIONS:** Unsigned communications may not be introduced in meetings.

46. **TIE VOTE:** In case of a tie in votes on any proposal, the proposal shall be declared lost except in a ruling by the President. In cases where the ruling of the chair is an issue, Rule 23 shall prevail.

ORDINANCES AND RESOLUTIONS

47. **INTRODUCTION:** All Ordinances and resolutions shall be introduced in the Council in printed or written form.

48. **REVIEW:** All proposed ordinances shall be prepared by the City Attorney and by his certification that they are correct in form.

49. **PROCEDURE:** Art. 2, Sec. 9, City Charter. All ordinances, orders and resolutions except orders or resolutions making appropriations of money, shall be confined to the subject, which shall be clearly expressed in the title. The appropriation order or resolution shall be confined to the subject of appropriations only. No ordinance and no appropriation resolution shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed with by a 4/7 vote of the members of the City Council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of proceedings of the City Council by the Clerk. The yeas and nays shall be taken on the passage of any resolution when called for by a member of the City Council. Every ordinance shall require on final passage the affirmative vote of a majority of the members of the Council.

A. **Public hearing on ordinances:** Every ordinance before final passage shall be published in one or more newspapers published and circulated in Penobscot County and shall take effect and be in full force ten days from and after it shall have received final passage by the City Council and have been approved, in case such approval is required by law, by some justice of the Supreme Judicial Court.

Within ten days after its final passage or after said approval by such justice said ordinance shall be published in full in one or more of the newspapers in Penobscot County, but the failure to publish said ordinance, either before or after final passage shall not affect its validity or force. No resolution shall take effect until ten days after its passage.

B. **Emergency ordinance:** The City Council may, by vote of 5/7 of its members, pass

emergency resolutions to take effect at the time indicated therein, but such emergency orders or resolutions shall contain a section in which the emergency is set forth as defined.

MISCELLANEOUS

50. **PRIVILEGE OF FLOOR:** No persons except members of the Council and officers named in the rules, and persons invited by the presiding officer of the Council or by vote of the Council, shall be admitted within the bar of the Council chamber, and the President shall cause this rule to be rigidly enforced.

51. **PERMISSION REQUIRED TO ADDRESS COUNCIL:** Persons other than members of the Council and City officers are not permitted to address the Council except with permission of the President.

52. **SUSPENSION OF RULES:** Any provisions of these rules not governed by the charter ordinances may be temporarily suspended at any meeting of the Council by majority vote. The vote on the suspension shall be taken by yeas and nays and entered upon the record.

53. **TO AMEND RULES:** These rules may be amended or new rules adopted by majority vote of the Council. An amendment must be submitted in writing at a preceding meeting and shall be placed on the next agenda under the order of new business.

Amended by Council: 12/06/99
Amended by Council: 12/04/00
Amended by Council: 01/08/01
Amended by Council: 12/03/01
Amended by Council: 02/05/07
Amended by Council: 12/07/10
Amended by Council: 12/03/12

EASEMENT

CITY OF OLD TOWN, a municipal corporation having a place of business in the County of Penobscot, State of Maine, being the owner in fee simple of certain lands located in the City of Old Town, County of Penobscot, State of Maine, and described as follows:

Being the premises conveyed by Cora A. Paradis to the Grantor herein by deed dated January 12, 2005 and recorded in the Penobscot County Registry of Deeds in Book 9713, Page 195;

for consideration given, grant and convey to **EMERA MAINE**, a Maine corporation having a place of business at 970 Illinois Avenue, Bangor, Maine, its successors and assigns forever, the receipt whereof is hereby acknowledged, the rights, privileges and easements to construct, maintain, operate and upgrade from time to time on said lands, for utility purposes, a line consisting of two poles, anchors and wires with the necessary fixtures and supports as now located or to be located on the aforesaid premises, beginning at the southwesterly bound of the said premises at or near the terminus of Woodland Avenue; thence extending northeasterly a distance of 65 feet, more or less, to the first pole location; thence extending northwesterly a distance of 125 feet, more or less, to the second pole location; thence extending northeasterly a distance of 110 feet, more or less, to the northerly bound of said premises; with the right to extend lines from the said line to sites on the said premises and to others as customers may request service; with the right to transmit electricity and intelligence over said line and to clear and dispose of interfering trees and other growth from time to time; with permission to enter upon said lands for the above purposes; further granting to Emera Maine, its successors and assigns, the power to assign to others, in whole or in part, any or all of the rights, privileges and easements herein set forth.

The Grantor for itself, and its successors and assigns, covenants and agrees to and with the Grantee, its successors and assigns, that it will not erect or maintain or permit the erection or maintenance of any building, trailer, mobile home, swimming pool, or other structure, of any kind or nature, within 15 feet of said line, any or all of which in the opinion of the Grantee, its successors and assigns, would endanger or interfere with the exercise of any of the rights, privileges and easements hereby conveyed.

IN WITNESS WHEREOF, it, the said City of Old Town, has caused this instrument to be executed by its duly authorized representative this _____ day of _____, 2016.

CITY OF OLD TOWN

By: William Mayo
Its City Manager

STATE OF MAINE

County of Penobscot ss: _____, 2016.

Personally appeared the above-named William Mayo and acknowledged the foregoing instrument to be his free act and deed in his aforesaid capacity and the free act and deed of said City of Old Town.

Before me,

Notary Public

Print Name of Notary: _____