



**SEPTEMBER 8, 2015
TUESDAY
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 August 19, 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)**
 - Suggested motion: Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, 3, 4 & 5 as presented.
 - (Councilor McLeod)
- VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**

PUBLIC HEARINGS

1. The City Council will conduct a Public Hearing on new applications for a Malt, Spirituous & Vinous Liquor License, a Special Amusement Permit and a Victualer's License for James G. Dubai, d/b/a Off the Wagon, 18 Water Street (formerly Riverfront Pub).
- 1a. The City Council will consider approval of new applications for a Malt, Spirituous & Vinous Liquor License, a Special Amusement Permit and a Victualer's License for James G. Dubai, d/b/a Off the Wagon.

Suggested motion: Resolved, the Old Town City Council hereby approves new applications for a Malt, Spirituous & Vinous Liquor License, a Special Amusement Permit and a Victualer's License for James G. Dubai, d/b/a Off the Wagon, 18 Water Street.

(Councilor Roach)

SECOND READINGS

1. The City Council will conduct a Second Reading of the Order approving the issuance of bonds and notes in amounts not to exceed \$1,000,000.00 for the purpose of financing all or a portion of the cost of (1) rehabilitation and renovation of City roads, City streets and other City paved surfaces and (2) facilities, equipment or both functionally related and subordinate to the foregoing. The current City road paving program is described in the paving schedule presented in Attachment #1 which is preliminary and subject to change until contract prices are agreed to.
- 1a. The City Council will consider final approval, of the Order approving the issuance of bonds and notes in amounts not to exceed \$1,000,000.00.

Suggested motion: Resolved, the Old Town City Council hereby approves the Order authorizing the issuance of bonds and notes in amounts not to exceed \$1,000,000.00 for the purpose of financing all or a portion of the cost (1) rehabilitation and renovation of City roads, City streets and other City paved surfaces and (2) facilities, equipment or both functionally related and subordinate to the foregoing.

(Councilor McLeod)

(Roll Call Vote)

IX. OLD BUSINESS

X. NEW BUSINESS

1. The City Council will consider accepting the Downtown Revitalization Plan.

Suggested motion: Resolved, the Old Town City Council hereby accepts the Downtown Revitalization Plan and encourages City Staff and Community Volunteers to pursue the goals and recommendations of the Plan as recommended by the Council Economic Development Committee.

2. The City Council will consider accepting a bid for City Line Painting as recommended by the Finance Committee.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from Lucas Striping, LLC in the amount of \$13,550.88 for line painting throughout the city as recommended by the Finance Committee. Funds are to come from Account #4000-0387

3. The City Council will consider accepting a bid for two new Police Department Cruisers and all the necessary equipment needed to accessorize them to Police Standards.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from Darlings in the total amount of \$58,734.00 for two 2016 Ford Utility Interceptor Police Vehicles. The City Council further authorizes the expenditure of \$11,940.68 for necessary equipment needed to accessorize them to Police standards as recommended by the Finance Committee. Funds are to come from Account #7000-0414 Capital Heavy Equipment Reserve.

4. The City Council will consider issuance of a Proclamation in observance of Constitution Week September 17th through 23rd.

Suggested motion: Resolved, the Old Town City Council hereby approves issuance of a Proclamation in observance of Constitution Week September 17th through 23rd, sponsored by the Old Town-Orono Esther Eayers Chapters Daughters of the American Revolution.

5. The City Council will consider accepting an after deadline redemption on foreclosed property for Joanne Lynch, located at 777 Stillwater Avenue,

Lot #11 for payment of 2013 to 2016 Real Estate Taxes in the total amount of \$1,865.81.

Suggested motion: Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Joanne Lynch, located at 777 Stillwater Avenue, Lot #11 for payment of 2013 to Real Estate Taxes in the amount of \$1,865.81 which includes interest, lien costs and late redemption fee and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

6. The City Council will consider accepting a bid for a Pickup truck for the Pollution Control Department as recommended by the Finance Committee.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from _____ in the amount of \$_____ for a 2015 Pickup truck for the Pollution Control Department as recommended by the Finance Committee.

(Councilor Nuttall)

7. The City Council will consider a proposed amendment to the City's Charter and will provide for notice and a public hearing on the proposal in accordance with 30-A M.R.S.A. §2104(1).

Suggested motion: Resolved, the Old Town City Council hereby determines that a certain amendment, copy of which is attached hereto as Exhibit A, should be considered, and by this resolve does hereby order the City Clerk to provide for notice and a public hearing to be held on September 16, 2015 in accordance with the requirements of 30-A M.R.S.A. §2104(1).

(Councilor Peterson)

8. The City Council will consider going into Executive Session for the purpose of discussing a Personnel matter.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to MRSA Title 405, Section (6)(A) for the purpose of discussing a Personnel matter.

(Councilor May)

XI. ADJOURNMENT



SPECIAL COUNCIL MEETING – AUGUST 19, 2015

Council convened August 19, 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, Miles Greenacre, Steve O’Malley, John Rouleau, Travis Roy, David Russell, David Smith and Scott Wilcox.

Others present: One citizen in the audience.

Council President Mahan called the meeting to order at 7:10 p.m.

Councilor Nuttall, seconded by Councilor Klitch, moved to approve the Minutes of the August 3, 2015 Regular Council Meeting. **Approved all in favor, 7-0.**

REPORTS

President Mahan asked the Clerk to report on Nomination Papers for Council and RSU Board Members. Clerk Brochu reported that Nomination Papers will be available August 21st and due back on September 4th. There are two positions open on the Council and the RSU Board. Councilor terms expiring are David Mahan and John Nuttall and RSU Board members expiring are Jim Dill and Roxane Dubay.

Councilor McLeod asked if there were any restrictions on digital signs that scroll. She said Lloyds store has one and it scrolls too fast to read. Code Officer Russell said he would look into it.

Manager Mayo reported 1) B & B will start paving roads soon; 2) There’s a DOT meeting on September 9th at the Library on the Stillwater Bridge; 3) Airport Runway construction is ahead of schedule.

CONSENT AGENDA

Councilor Roach, seconded by Councilor May, Resolved, the Old Town City Council hereby approves the Suggested motions under New Business Items 1, 2 & 3 as presented and as follows:

Item #1: Resolved, the Old Town City Council hereby approves an application from the Old Town Riverfest Committee, for a Major Special Event Permit for the Riverfest Festival to be held down at the Riverfront Park on September 25 & 26, 2015 and to waive the Permit fee.

Item #2: Resolved, the Old Town City Council hereby approves to accept \$880.00 or any portion thereof from the State of Maine vs. Jamel Slaughter based on the grounds that the Old Town Police department made a substantial contribution to the investigation of this criminal case.

Item #3: Resolved, the Old Town City Council hereby renews the Legal Services Contract with Rudman and Winchell for legal services for the 2015-2016 Fiscal Year effective July 1, 2015 to June 30, 2016.

Consent Agenda items approved all in favor, 7-0.

PUBLIC HEARINGS

The City Council conducted a Public Hearing on a new application for a Taxi Business for Amanda Seger, d/b/a C & S Cab Company, LLC.

Clerk Brochu reported the company has complied with all the requirements and recommends approval.

There being no further comments, President Mahan closed the Hearing.

The City Council considered approval of a new application for a Taxi Business for Amanda Seger.

Councilor Klitch, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves a new application for a Taxi Business for Amanda Seger, d/b/a C & S Cab Company, LLC. **Approved all in favor, 7-0.**

The City Council conducted at 7:19 p.m. a First Reading of the Order approving the issuance of bonds and notes in amounts not to exceed \$1,000,000.00 for the purpose of financing all or a portion of the cost of (1) rehabilitation and renovation of City roads, City streets and other City paved surfaces and (2) facilities, equipment or both functionally related and subordinate to the foregoing. The current City road paving program is described in the paving schedule presented in Attachment #1 which is preliminary and subject to change until contract prices are agreed to.

Councilor Roach, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves dispensing with the reading of the Order. **Approved all in favor, 7-0.**

There being no other comments, President Mahan closed the hearing at 7:20 p.m.

The City Council considered scheduling a Second Reading, and a discussion of final approval, of the Order approving the issuance of bonds and notes in amounts not to exceed \$1,000,000.00.

Councilor McLeod, seconded by Councilor May, Resolved, the Old Town City Council hereby approves scheduling for September 8, 2015 a Second Reading, and a discussion of final approval, of the Order approving the issuance of bonds and notes in amounts not to exceed \$1,000,000.00 for the purpose of financing all or a portion of the cost (1) rehabilitation and renovation of City roads, City streets and other City paved surfaces and (2) facilities, equipment or both functionally related and subordinate to the foregoing. **Approved all in favor, 7-0.**

NEW BUSINESS

The City Council considered a request from the Old Town Housing Authority for a piece of land that is an undeveloped portion of Chapman Street and has been historically utilized as a driveway for 18 Chapman Street. The Housing Authority has purchased 18 Chapman Street and also owns 16 Chapman Street. The property measures approximately 24' X 72' (.04 acres).

Councilor McLeod asked what they were going to do with that part of the Street. Code Officer Russell explained they are going to renovate both properties so they can continue to use it as a driveway.

Councilor Peterson, seconded by Councilor McLeod, Resolved, The Old Town City Council hereby approves transferring a piece of land that is approximately 24' X 72' and is an undeveloped portion of Chapman Street to the HACOT Development Corporation. Said property is between Lots 21 and 23 on Assessor's Tax Map 31. The Council further authorizes the City Manager to execute a Quit Claim Deeds to complete the transfer. **Motion approved 6-1. Councilor McLeod opposed.**

Councilor McLeod, seconded by Councilor Peterson moved to take up Item #6 out of order on the agenda. **Approved all in favor, 7-0.**

The City Council considered going into Executive Session for the purpose of consulting with the City attorney concerning the City's legal rights and obligations with respect to a pending property tax valuation appeal, with representatives of Expera Old Town, LLC to be present during a portion of the executive session.

Councilor May, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:25 p.m. pursuant to Title 1, M.R.S.A., §405(6) (E) for the purpose of consulting with the City attorney concerning the City's legal rights and obligations with respect to a pending litigation matter (property tax appeal), with representatives of Expera Old Town, LLC to be present during a portion of the executive session.

Councilor Klitch, seconded by Councilor May, moved to come out of Executive Session at 8:25 p.m. **Approved all in favor, 7-0.**

The City Council considered going into Executive Session for the purpose of consulting with the City Attorney concerning a settlement offer in regard to the Sanborn property.

Councilor Nuttall, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves going into Executive Session at 8:26 p.m. pursuant to MRSA Title 405, Section (6) (E) for the purpose of consulting with the City Attorney concerning a settlement offer in regard to the Sanborn property. **Approved all in favor, 7-0.**

Councilor Peterson, seconded by Councilor Klitch, moved to come out of Executive Session at 8:49 p.m. **Approved all in favor, 7-0.**

Councilor Peterson, seconded by Councilor Klitch, moved to adjourn at 8:50 p.m. **Approved all in favor, 7-0.**

Adjourned,

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

EXHIBIT A

City of Old Town Suggested Charter

Amendment City Council Member

Qualifications

Revised 4/9/2015

RESOLVED: Article II, Section 3 of the City Charter of the City of Old Town is hereby amended by inserting a new second paragraph, as follows:

No person may qualify or serve as a member of the Old Town city council if that person is currently married to a person who holds the position of Old Town city manager or head of any city department. A candidate may seek election to the city council notwithstanding disqualification under this paragraph, provided that if elected, the disqualification must be removed by resignation of the candidate's spouse from the position concerned no later than the first regular city council meeting following the candidate's election. If the disqualification has not been removed by such date, the candidate shall not be seated and the remaining city council members shall declare a vacancy, to be filled in accordance with Article II, section 5 of this charter. A city council member duly elected and qualified shall be deemed no longer qualified, and a vacancy declared in accordance with Article II, section 5, if the council member's spouse is appointed to and accepts the position of Old Town city manager or department head during the term for which the council member has been elected.

**OLD TOWN-ORONO ESTHER EAYRES CHAPTER
DAUGHTERS OF THE AMERICAN REVOLUTION**

PROCLAMATION

WHEREAS, Our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

WHEREAS, It is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support, preserve and defend it against all encroachment; and

WHEREAS, The two hundred and twenty-eighth anniversary of the Signing of the Constitution provides an historic opportunity for all Americans to realize the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities it affords, and

WHEREAS, The independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23 as designated by proclamation of the President of the United States of America in accordance with Public Law 915,

*THEREFORE, I, David Mahan, by virtue of the authority vested in me as President of the City Council of the City of Old Town, Maine, do hereby proclaim the week of September 17 through 23 as **CONSTITUTION WEEK** in the State of Maine and urge all our citizens to reflect during that week on the many benefits of our Federal Constitution and American Citizenship.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed at Old Town this eighth day of September, the year of our Lord two thousand fifteen and the Independence of the United States of America, the two hundred and twenty eighth.

ATTEST:

OLD TOWN CITY COUNCIL

Patricia A. Brochu
CITY CLERK

David Mahan
PRESIDENT