



**JUNE 1, 2015
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 May 4, 2015 Regular Council Meeting and the May 19, 2015 & May 20, 2015 Special Meetings.**
- 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)**

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

(Councilor McLeod)

VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

IX. OLD BUSINESS

X. NEW BUSINESS

1. The City Council will consider acceptance of a Safety Enhancement Grant reimbursement check in the amount of \$1,580.00 from the Maine Municipal Association for purchasing a Hydraulic Tailgate Lift for the Pollution Control Department.

Suggested motion: Resolved, the Old Town City Council hereby accepts a Safety Enhancement Grant reimbursement check in the amount of \$1,580.00 from the Maine Municipal Association for purchasing a Hydraulic Tailgate Lift for the Pollution Control Department.

2. The City Council will consider approval of an application from Penobscot Nation for a Major Special Event Permit for the Penobscot River Whitewater Nationals Regatta to be held in the Riverfront Park and to waive the Permit fee.

Suggested motion: Resolved, the Old Town City Council hereby approves an application from Penobscot Nation for a Major Event Permit for the Penobscot River Whitewater Nationals Regatta to be held in the Riverfront Park from July 22, 2015 to July 26, 2015 and to waive the Permit fee.

3. The City Council will consider authorizing the City Manager to execute a renewal Memorandum of Agreement with Penobscot County for the City to provide use of the Recycle/Transfer Station to the communities of Argyle and Greenfield at a fee of \$900.00 per year.

Suggested motion: Resolved; The Old Town City Council hereby authorizes the City Manager to execute a renewal Memorandum of Agreement with Penobscot County for the City to provide use of the Recycle/Transfer Station to the communities of Argyle and Greenfield at a fee of \$900.00 per year.

4. The City Council will consider entering into a Hangar Land Lease Agreement with Jeff LaCombe for the purpose of leasing Airport land so he can build a Hangar for his airplane as recommended by the Finance Committee.

Suggested motion: Resolved, the Old Town City Council hereby approves entering into a Hangar Land Lease Agreement with Jeff LaCombe for the purpose of leasing Airport land so he can build a Hangar for his airplane as recommended by the Finance Committee.

5. Attorney Jim Katsiaficas will review proposed amendments to Chapter 24 Solid Waste Facilities with the City Council.
6. The City Council will consider approval of their request for Municipal Intervenor Status in the matter of NEWSME and BGS' impending application for expansion of the Juniper Ridge Landfill to the Department of Environmental Protection

Suggested motion: Resolved, the Old Town City Council hereby approves their request for Municipal Intervenor Status in the matter of NEWSME and BGS' impending application for expansion of the Juniper Ridge Landfill to the Department of Environmental Protection.

(Councilor Roach)

7. The City Council will consider accepting a quote for a new pickup truck for the Public Works Department and authorize the Finance Director to transfer funds to pay for the purchase.

Suggested motion: Resolved, the Old Town City Council hereby accepts the quote from _____ in the amount of \$_____ for the purchase of a new pickup truck for the Public Works Department and further authorizes the Finance Director to transfer an amount not to exceed \$30,000 from Account #03500 Heavy Equipment Reserve to Account #7000-0414 Heavy Capital Equipment Reserve as recommended by the Finance Committee.

(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 – MAY 19, 2015

Council convened May 19, 2015 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Erik Stumpf, Travis Roy, Representatives from Expera: Addie Teters, Ben Ward, Steve Myers and Jonathan Block.

Council President Mahan called the meeting to order at 5:30 p.m.

NEW BUSINESS

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.

EXECUTIVE SESSION
Expera Property
Tax Appeal

Councilor May, seconded by Councilor Nuttall, Resolved, the Old Town City Council hereby approves going into Executive Session at 5:30 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. **Approved all in favor, 6-0.**

Councilor May was excused at 6:16 p.m.

Councilor Roach, seconded by Councilor McLeod, moved to come out of Executive Session at 6:35 p.m. **Approved all in favor, 5-0.**

Councilor Nuttall, seconded by Councilor McLeod, moved to adjourn at 6:35 p.m. **Approved all in favor, 5-0.**

Adjourned,

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



SPECIAL COUNCIL MEETING – MAY 20, 2015

Council convened May 20, 2015 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Erik Stumpf, Patty Brochu, Miles Greenacre, Lance Farrar, Ron Harriman, Travis Roy, David Smith, Scott Wilcox.

Others present: Pollution Control employees, Mr. & Mrs. Chellis Sanborn and one citizen in the audience.

Council President Mahan called the meeting to order at 7:50 p.m.

REPORTS

President Mahan mentioned Budget meetings would be starting.

Councilor May reminded everyone of the Memorial Day Parade that starts at 11:00 a.m.

Manager Mayo reported: 1) He received proposed changes for the review process for landfill; 2) On June 3rd, Casella will be doing a review of the expansion here in the Council Chambers; 3) He finished Budget discussions with all Departments. He asked the Finance Committee to meet next week so he can lay out initial numbers to them.

NEW BUSINESS

The City Council considered issuance of Warrants for the June 9, 2015 Special Municipal Election.

ELECTIONS
Warrants for
June 9, 2015
Spec. Election
Approved

Councilor McLeod, seconded by Councilor May, Resolved, the Old Town City Council hereby approves issuance of Warrants for the June 9, 2015 Special Municipal Election. Approved all in favor, 5-0.

The City Council considered setting hours for the Registrar of Voters for the June 9, 2015 Special Municipal Election as presented in attachment #1 and recommended by the City Clerk.

Registrar of
Voters hours
set

Councilor Roach, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves setting hours for the Registrar of Voters for the June 9, 2015 Special Municipal Election as presented in attachment #1 and recommended by the City Clerk. Approved all in favor, 5-0.

Councilor May, seconded by Councilor Peterson, moved to Suspend the Council Rules to take up an item not on the Agenda. *Approved all in favor, 5-0.*

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 Expera Old Town, LLC.

EXECUTIVE SESSION
Pending Property
tax appeal w/
Expera

Councilor May, seconded by Councilor Roach, Resolved, the Old Town City Council hereby approves going into Executive Session 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 Expera Old Town, LLC. *Approved all in favor, 5-0.*

Councilor Peterson, seconded by Councilor McLeod, moved to come out of Executive Session at 8:35 p.m. *Approved all in favor, 5-0.*

Councilor May, seconded by Councilor Roach, moved to adjourn at 8:36 p.m. *Approved all in favor, 5-0.*

Adjourned,

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



REGULAR COUNCIL MEETING – MAY 4, 2015

Council convened May 4, 2015 in the Old Town City Council Chambers at 265 Main Street.

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

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

Others present: Phil Ruck, five citizens in the audience and news media.

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

Councilor Peterson, seconded by Councilor May, moved to approve the Minutes of the April 6, 2015 Regular Council Meeting, the April 15, 2015 and April 21, 2015 Special Council Meetings. Approved all in favor, 6-0.

REPORTS

President Mahan received a card from Ray Giboleau thanking the Public Works Department for taking care of some signage.

Manager Mayo: 1) Expera is wiring money to pay their taxes; 2) Casella Representatives are coming to sit down with City Staff to discuss their expansion as required; 3) He's been working with the Committee on the City's 175th Anniversary.

CONSENT AGENDA

Councilor McLeod, seconded by Councilor May, Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, 3, 4, 5, 6, 7 & 8 as presented and as follows:

Item #1: Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Shannon Gallant & Daniel Baker, located at 345 Fourth Street for payment of 2012 to present Sewer fees in the amount of \$2,194.97 which includes interest, lien costs and late redemption fee and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

**FORECLOSED PROP
Late redemption
accepted/
& Baker**

Item #2: Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Lesley & John Bajkowski, located at 691 Main Street for payment of 2012 to present Sewer fees in the amount of \$1,226.53 which

**Late redemption
accepted/
Bajkowski**

includes interest, lien costs and late redemption fee and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

Item #3: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Spirituous & Vinous Liquor License and a Special Amusement Permit for Christopher Trudel and Warren Morgan, d/b/a Riverfront Pub, 18 Water Street.

LICENSES
Liquor & Spec.
Amusement Apprv'd
Riverfront Pub

Item #4: Resolved, the Old Town City Council hereby approves an application from Cindy Jennings, Director of the Old Town Public library, for a Major Special Event Permit for the Summer Concert Series to be held in the Riverfront Park and to waive the Permit fee.

PERMITS
Major Event
Approved/ Summer
Concerts

Item #5: Resolved, the Old Town City Council hereby approves an application from Old Town Boosters, for a Major Special Event Permit for Smokey's Greater Shows to be held in the Riverfront Park from June 15, 2015 to June 21, 2015 and to waive the Permit fee.

Major Event
Approved/ Boosters
Carnival

Item #6: Resolved, the Old Town City Council hereby approves an application from Tim Caliandro of Birmingham Funeral Home, for a Major Special Event Permit to hold a Memorial Day Parade and "We Honor Veterans" Celebration in the Riverfront Park on May 25, 2015 and to waive the Permit fee.

Major Event
Approved/ Memorial
Day Celebration

Item #7: Resolved, the Old Town City Council hereby approves an application from Brooke Gardner of City Reach Old Town for a Major Special Event Permit to hold the Convoy of Hope Event in the Riverfront Park on September 18 & 19, 2015 and to waive the Permit fee.

Major Event
Approved/ Convoy
of Hope

Item #8: Resolved, the Old Town City Council hereby appoints the following members Old Town Economic Development LLC Committee with 3-Year terms to expire April 18, 2018:

APPOINTMENTS
Economic Develop-
ment LLC Comm.

John Birmingham – Retail Shop

Lloyd Hall – Citizen

Stu Harvey – President of UMaine designee

Joe Pluff – Citizen

Ron Harriman – Old Town City Manager designee

Consent Agenda items unanimously approved, 6-0.

NEW BUSINESS

The City Council heard an update from Phil Ruck of Stillwater Environmental Engineering on MS4 Storm water.

STORMWATER
Update from
Phil Ruck

The City Council considered the sale of a portion of city property as shown on Assessor's Map 23, Lot 32 to Martin & Tracey Ferwerda of 29 Sewall Drive.

Councilor Nuttall, seconded by Councilor May, Resolved, the Old Town City Council hereby agrees to sell a portion of city property as shown on Assessor's Map 23, Lot 32 to Martin & Tracey Ferwerda of 29 Sewall Drive, in the amount of twenty-five hundred (\$2,500) dollars. This parcel measures approximately 58' by 78', 4,524 square feet. (.10+/- acres). Actual dimensions will be verified in the field by a licensed surveyor and reflected accurately within the deed. The Ferwerda's will be responsible for the surveying of the property, deed description, the recording of the deed in the registry, any legal expenses and for any and all other cost associated with this transaction. The Council further authorizes the City Manager to execute said sale. **Approved all in favor, 6-0.**

CITY PROPERTY
Sale of Portion
of City land to
Ferwerda's
Approved

The City Council considered granting an Easement to Mr. Thomas Shanos, property owner of 266 Main Street, or his assigns to enable them to construct an outdoor patio area for dining.

EASEMENT
Granted to
Thomas Shanos
for outdoor
patio

Councilor Peterson, seconded by Councilor Nuttall, Resolved, the Old Town City Council hereby grants an Easement to Mr. Thomas Shanos, or his assigns on a portion of City property adjacent to 266 Main Street as shown on Assessors Map 26, Lot 1 as depicted in exhibit A. Actual dimensions will be verified in the field and reflected accurately within the lease agreement. Mr. Shanos, or his assigns will be responsible for any and all costs associated with recording the Easement at the Penobscot County Registry of Deeds. The Council further authorizes the City Manager to execute said Easement. **Approved all in favor, 6-0.**

The City Council will consider authorizing the Finance Director to transfer funds from Fund Balance and establish an account to be used for the City's 175th Anniversary Celebration.

FUNDS
Funds appropriated
for 175th Ann. &
account establishe

Councilor McLeod, seconded by Councilor May, Resolved, the Old Town City Council hereby authorizes the Finance Director to transfer \$5,000 from Account #03800 Fund Balance to the newly established Account #45600 175th Anniversary Celebration and further authorize the City Clerk to approve the expenditures. **Approved all in favor, 6-0.**

The City Council considered discussing the Council Qualifications language prepared by the City Attorney which will require a change to the City's Charter through a Referendum Election. This item was voted upon by the Administrative Services Committee to recommend approval to the full Council but the motion failed 2-2. Councilor McLeod made a motion to move this on to the full council for further consideration.

CITY CHARTER
Council Qualifica-
cation language
to amend Charter
Approved to send
to Referendum
Election

Councilor McLeod, seconded by Councilor May moved to approve the Council Qualifications language prepared by the City Attorney and send it to the November 2015 Regular/Referendum Election. **Approved, 4-2. Councilors Peterson and Nuttall opposed.**

The City Council reviewed and considered approval of a draft decision and order concerning the dangerous building proceeding for the property at 614 Main Street, Old Town, Maine.

DANGEROUS BLDGS
Draft decision &
order Approved/
614 Main St

Councilor Roach, seconded by Councilor McLeod, Resolved, the draft decision and order of the City Council concerning the dangerous building proceeding for the property at 614 Main Street is hereby approved as presented. *Approved all in favor, 6-0.*

The City Council considered going into Executive Session for the purpose of consulting with the City Attorney the City's legal rights and duties pertaining to the Red Shield Bankruptcy proceedings.

Councilor Nuttall, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:58 p.m. pursuant to MRSA, Title 405 (6) (E) for the purpose of consulting with the City Attorney the City's legal rights and duties pertaining to the Red Shield Bankruptcy proceedings. *Approved all in favor, 6-0.*

EXECUTIVE SESSION
Red Shield
Bankruptcy
proceedings

Councilor Peterson, seconded by Councilor Nuttall, moved to come out of Executive Session at 8:25 p.m. *Approved all in favor, 6-0.*

Councilor Peterson, seconded by Councilor Nuttall, moved to adjourn at 8:25 p.m. *Approved all in favor, 6-0.*

Adjourned,

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