

**DECEMBER 5, 2016  
6:30 P.M.**



**AGENDA  
ORGANIZATIONAL COUNCIL MEETING  
City Council Chambers, 2<sup>nd</sup> Floor  
265 Main Street-Old Town, Maine**

- I. Call to order**
- II. Roll call.**
- III.** Invocation by Reverend Bruce Stevens of the United Baptist Church.
- IV.** Oath of Office to be administered by City Clerk Patricia Brochu to Councilors-Elect Janet Klitch and Carol May; RSU #34 Board Members elect Donna Conary and Lee Jackson.
- V.** Election of Council President.
- VI.** Presentation to out-going Council President.
- VII.** The City Council will consider adopting Rules of Order and Procedure for conducting meetings.  
  
Suggested motion: Resolved, the Old Town City Council hereby adopts the Old Town City Council's Rules of Order and Procedure as presented.  
  
(Councilor McLeod)
- VIII.** The City Council will consider approval of a Resolution establishing a regular place and time for holding meetings.  
  
Suggested motion: Resolved, the Old Town City Council hereby approves Resolution 2016-4 establishing a time and place for City Council Meetings.  
  
(Councilor Peterson) (Roll Call Vote)
- IX.** Benediction by Reverend Bruce Stevens of the United Baptist Church.
- X. ADJOURNMENT**

## 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 1, 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 proceeding 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



## *City of Old Town*

**CITY OF OLD TOWN, MAINE  
RESOLUTION 2016-4  
RESOLUTION ESTABLISHING MEETING TIMES FOR THE CITY COUNCIL**

**WHEREAS**, According to Article II, Section 6 of Chapter 49 of 1945 Private and Special Laws, City Charter, the City Council shall at its first meeting, or as soon thereafter as possible, establish by resolution a regular place and times for holding meetings, and shall meet regularly at least once a month;

**WHEREAS**, The City Council deems it imperative to comply with this law;

**BE IT THEREFORE RESOLVED**, To hold regular meetings of the Council on the first Monday of each month at 7:00 p.m. in the Council Chambers at City Hall at 265 Main Street or such other location the Council determines. Should the meeting date fall on a legally stated holiday, then the meeting shall be held on the Tuesday following the holiday unless the City Council establishes some other time for holding the regular meeting.

**OLD TOWN CITY COUNCIL**

Dated: December 5, 2016

ATTEST:

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

Approved as to form:

Erik Stumpf  
City Attorney



**DECEMBER 5, 2016  
7:00 P.M.**

**AGENDA  
REGULAR COUNCIL MEETING  
City Council Chambers, 2<sup>nd</sup> 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 October 3, 2016 and the November 7, 2016 Regular Council Meetings and the October 17, 2016, November 9, 2016 and November 21, 2016 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. City Manager**
- VII. CONSENT AGENDA (New Business items)**

## VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

### PUBLIC HEARINGS

1. The City Council will conduct a Public Hearing on a proposal to amend the Zoning Designation for 35 Middle Street, Tax Map 25, Lot 1 from Industrial, I-1 to Commercial Business C-1 and 211 Main Street, Tax Map 26, Lot 11 from General Residence R-2 to Commercial Business C-1 as recommended by the Planning Board.
- 1a. The City Council will consider scheduling a Second Reading for final approval on a proposal to amend the Zoning Designation for the previous Old Town Canoe factory property.

Suggested motion: Resolved, the Old Town City Council hereby schedules a Second Reading for final approval on a proposal to amend the Zoning Designation for 35 Middle Street, Tax Map 25, Lot 1 from Industrial, I-1 to Commercial Business C-1 and 211 Main Street, Tax Map 26, Lot 11 from General Residence R-2 to Commercial Business C-1 as recommended by the Planning Board.

(Councilor Peterson)

### SECOND READINGS

1. The City Council will conduct a Second Reading for final approval on a proposal for expansion of an existing Contract Zone Change from C-1 to R-2 for the remainder of the first floor of property owned by Robert Modery, d/b/a Modery Enterprises, LLC and located at 52 Water Street, Old Town, ME, Tax Map 26, Lot 23.
- 1a. The City Council will consider final approval on a proposal for expansion of an existing Contract Zone Change for Robert Modery.

Suggested motion: Resolved, the Old Town City Council hereby approves a proposal for expansion of an existing Contract Zone Change from C-1 to R-2 for the remainder of the first floor of property owned by Robert Modery, d/b/a Modery Enterprises, LLC and located at 52 Water Street, Old Town, ME, Tax Map 26, Lot 23 as recommended by the Planning Board.

(Councilor Nuttall)

(Roll Call Vote)

## IX. OLD BUSINESS

## **X. NEW BUSINESS**

1. The City Council will consider authorizing the City Manager to transfer two Tax Acquired properties to the Habitat for Humanity.

Suggested motion A: Resolved, the Old Town City Council hereby authorizes the City Manager to take all necessary actions to transfer the Tax Acquired property at 62 Seventh Street and located on Tax Map 26, Lot 259 to the Habitat for Humanity. The City Council further authorizes the Finance Director to write off all back taxes and lien costs.

(Councilor May)

Suggested motion B: Resolved, the Old Town City Council hereby authorizes the City Manager to take all necessary actions to transfer the Tax Acquired property at 449 Bennoch Road located on Tax Map 16, Lot 15 to the Habitat for Humanity after the building is torn down and foundation filled. The City Council further authorizes the Finance Director to write off all back taxes and lien costs.

(Councilor Roach)

## **XI. ADJOURNMENT**



## REGULAR COUNCIL MEETING – OCTOBER 3, 2016

Council convened October 3, 2016 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Erik Stumpfel, Patty Brochu, Lance Farrar, Steve O’Malley, John Rouleau and Travis Roy.

Others present: one citizen in the audience.

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In the absence of President David Mahan, Clerk Patty Brochu called the meeting to order at 7:00 p.m.

Councilor McLeod, seconded by Councilor Klitch, moved to elect Stan Peterson as President Pro-temp. **Approved all in favor, 6-0**

Councilor Klitch, seconded by Councilor Roach, moved to approve the Minutes of the August 1, 2016 and September 6, 2016 Regular Council Meetings and the August 15, 2016 and September 19, 2016 Special Council Meetings. **Approved all in favor, 6-0.**

### **REPORTS**

Councilor Klitch asked for an update on abandoned houses. Attorney Stumpfel said he was working on several liened properties and has some more work to do on them due to new Statutes to help cities with abandoned properties by not having to enact new ordinances.

Manager Mayo: 1) The Elm Street project has started with sewer and water and a binder be done in November; 2) V-wrap at the mill is delayed a week; 3) There’s some archery deer hunting concerns which will be coming to the next council meeting. He said the IF&W is working on a distance of 100 yards from homes like the firearms but even though it failed in the legislature last year, they are going to try and get it passed again.

### **CONSENT AGENDA**

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



Item #1: Resolved, the Old Town City Council hereby approves an application for a Major Event Permit for the Old Town Rotary Club to hold the Annual Hunters Breakfast to be held in the Municipal Parking lot on Main Street on October 29, 2016 and to allow set up on October 28, 2016 starting at 1:00 p.m. and to further waive the permit fee.

Item #2: Resolved, the Old Town City Council hereby approves issuance of Municipal Warrants for the November 8, 2016 Regular Municipal Election.

Item #3: Resolved, the Old Town City Council hereby approves the Registrar of Voters hours for the November 8, 2016 State General & Regular Municipal Election, pursuant to Title 21A, M.R.S.A. §101(6) as presented in attachment #2 and recommended by the City Clerk.

Item #4: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Vinous & Spirituous Liquor License and a Special Amusement Permit for the Old Town Knights of Columbus, 5 Gilman Falls Avenue.

Item #5: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Vinous & Spirituous Liquor License and a Special Amusement Permit for the Old Town Lodge of Elks #1287, 37 Fourth Street.

**Consent agenda items approved all in favor, 6-0.**

## **PUBLIC HEARINGS**

The City Council conducted a Public Hearing on a proposal to amend Chapter 21, titled Welfare, Appendices A & C (Food and Housing Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2015 through September 30, 2016. This amendment is a requirement of the Department of Human Services in compliance with Title 22, M.R.S.A. §4305(4).

The City Clerk reported this is an annual adjustment to the appendices by DHS. Upon hearing no further comments, the hearing was closed.

The City Council considered scheduling a Second Reading for final approval on a proposal to amend Chapter 21, Titled Welfare, Appendices A & C of the General Assistance Maximum Amounts.

Councilor McLeod, seconded by Councilor Roach, Resolved, the Old Town City Council hereby approves scheduling a Second Reading for final approval on November 7, 2016 on a proposal to amend Chapter 21, titled Welfare, Appendices A. C & D (Food and Housing Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2016 through September 30, 2017 as presented in Attachment #1.  
**Approved all in favor, 6-0.**

## NEW BUSINESS

The City Council considered accepting a parcel of land from the Penobscot River Restoration Trust organization that is located by the former Great Works Dam.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby accepts a parcel of land that is located by the former Great Works Dam from the Penobscot River Restoration Trust organization and authorizes the City Manager to execute all necessary documents to complete the transaction.

Councilor McLeod, seconded by Councilor Nuttall, moved to amend the motion that the acceptance is based on the V-wrap being done. **Approved all in favor, 6-0.**

### **Original motion approved as amended, 6-0.**

The City Council considered accepting a bid for a ¾ ton pick-up with plow & utility body for the Public Works Department.

Councilor May, seconded by Councilor Roach, Resolved, the Old Town City Council hereby accepts the low bid from Darlings Dodge for a 2017 Dodge ¾ ton pick-up with plow & utility body in the amount of \$36,959. Funds will come from Account #7000-0414 Heavy Equipment Reserve. **Approved all in favor, 6-0.**

The City Council considered accepting a bid for a mid-sized Chassis Plow Truck for the Public Works Department.

Councilor Klitch, seconded by Councilor May, Resolved, the Old Town City Council hereby accepts the bid from Darlings Dodge for a 2017 Dodge 5500 mid-sized Plow Truck in the amount of \$44,813. Funds will come from Account #7000-0414 Heavy Equipment Reserve. **Approved all in favor, 6-0.**

The City Council considered accepting a bid for plow equipment and body for the Public Works Department.

Councilor Roach, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby accepts the bid from Viking Cives for a stainless steel body and plow equipment in the amount of \$55,932. Funds will come from Account #7000-0414 Heavy Equipment Reserve. **Approved all in favor, 6-0.**

The City Council considered accepting a bid for a 5-year Contract to plow at the Airport.

Councilor Nuttall, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby accepts the bid from Owen J. Folsom for a 5-year contract in the amount of \$253,600 to plow the Airport. Funds are to come from Airport Account #1300-0299 Other Contractual.

Patra Harris, wife of Michael Harris who was a bidder for the contract wanted to know why they had chosen another bidder when their bid was \$9,500 lower than Folsom's.

Manager Mayo reported that all bids were considered but the city has had a history with them and he didn't feel they could do it at the amount they bid. He also added there have been issues with their company on a previous project at the airport and the engineers were not happy with their performance.

**The motion stands to accept Folsom's bid to plow the Airport, 5-1. Councilor Klitch abstained.**

Councilor Klitch, seconded by Councilor Nuttall, moved to adjourn at 7:27 p.m.  
**Approved all in favor, 6-0.**

Adjourned,

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



## SPECIAL COUNCIL MEETING – OCTOBER 17, 2016

Council convened October 17, 2016 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Patty Brochu, Cindy Jennings, Steve O’Malley and Travis Roy..

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Council President Mahan called the meeting to order at 7:08 p.m.

### REPORTS

Council President Mahan gave the Councilors guidance on the Manager’s Evaluation. He also asked how many Councilors would be available on November 9<sup>th</sup> at 4:30 to accept the Return of Votes Cast and there were enough replies for a quorum.

Councilor Roach said he would like to review the city’s ordinances in case the Marijuana question passes at the election. Manager Mayo replied that even if it does pass, it will need to go through Rule Making at the state level and that would take at least 9 months. He also said the City has already passed an Ordinance regarding Marijuana Dispensaries.

Attorney Stumpfel reported that he and Manager Mayo will be back in Augusta for the Expera Tax appeal on Thursday and Friday but didn’t think they’d finish during that time.

Manager Mayo: 1) He’ll be attending a meeting for the Juniper Ridge Landfill; 2) There will be a detour on Center Street at the end of Elm Street because of the work being done on Elm Street; 3) Police Chief Wilcox will be back with an update on the traffic lights. He added that BACTS are doing a study on Stillwater Avenue so they may be able to help.

### NEW BUSINESS

The City considered approval for a renewal application for a Liquor License for Delicious Bangkok.

Councilor Roach, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Spirituous & Vinous Liquor License for Sirirat Thongoat, d/b/a Delicious Bangkok, 151 Main Street, Old Town, ME. **Approved all in favor, 5-0.**

Councilor Klitch, seconded by Councilor Peterson, moved to adjourn at 7:20 p.m.  
*Approved all in favor, 5-0.*

Adjourned,

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



## REGULAR COUNCIL MEETING – NOVEMBER 7, 2016

Council convened November 7, 2016 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, John Hamer, Patty Brochu, Miles Greenacre, Ron Harriman, Steve O’Malley, John Rouleau, Travis Roy, David Smith and David Russell.

Others present: three citizens in the audience.

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

### REPORTS

President Mahan asked the Clerk to announce when the polls opened. She reported they opened at 7:00 a.m. and closed at 8:00 p.m. Clerk Brochu also reminded Councilors of the Wednesday meeting at 4:30 p.m. to accept the Return of the Votes Cast and she thanked Councilor Peterson and his Shop Class Students for building a new kiosk for posting election information at the K of C Hall.

Councilor Roach said he still wants to revisit the Marijuana Ordinance. Manager Mayo stated that if it passes, it will still take 9 months for it to go through State Rule Making.

City Attorney John Hamer introduced himself and said he was filling in for Erik Stumpfel who had another meeting to attend.

Manager Mayo: 1) informed the Council that Ron Harriman attending a meeting on Indian Island and they have concerns with metals in the river from the old Machine Shop; 2) He’s working with the City Attorney on the Maple Grove cemetery before taking any actions on it.

### CONSENT AGENDA

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

Item #1: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Vinous & Spirituous Liquor License for the VFW Post 3381, 173 Main Street.

Item #2: Resolved, the Old Town City Council hereby approves a renewal application for a Malt & Vinous Liquor License for Randall Wadleigh, d/b/a Governor's Restaurant, 963 Stillwater Avenue.

Item #3: Resolved, the Old Town City Council hereby accepts a Safety Enhancement Grant in the amount of \$1,317 from the Maine Municipal Association to be used exclusively for purchasing Traffic Safety Equipment (Drums) for the Public Works Department. The City's contribution is \$658.50 and funds will come from the Grant Match Account #7200-0350.

Item #4: Resolved, the Old Town City Council hereby accepts a Safety Enhancement Grant in the amount of \$2,000 from the Maine Municipal Association to be used exclusively for purchasing 10 Respirators for the Police Department. The City's contribution is \$1,750 and funds will come from the Grant Match Account #7200-0350.

Item #5: Resolved, the Old Town City Council hereby approves to accept \$3,400 and One SCCY 9mm hand gun from the State of Maine vs. Trisha Sapiel based on the grounds that the Old Town Police department made a substantial contribution to the investigation of this criminal case.

Item #6: Resolved, the City Manager is hereby authorized and directed to issue a municipal quitclaim deed to Matthew Carter, for property located at 18 Gray's Lane in Old Town, with respect to a sewer lien certificate recorded against the property on August 29, 2014."

**Consent Agenda items approved all in favor, 6-0.**

## **SECOND READINGS**

The City Council conducted a Second Reading on a proposal to amend Chapter 21, titled Welfare, Appendices A & C (Food and Housing Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2015 through September 30, 2016. This amendment is a requirement of the Department of Human Services in compliance with Title 22, M.R.S.A. §4305(4).

There being no comments, President Mahan closed the hearing.

The City Council considered final approval on a proposal to amend Chapter 21, Titled Welfare, Appendices A & C of the General Assistance Maximum Amounts.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves a proposal to amend Chapter 21, titled Welfare, Appendices A & C (Food and Housing Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2016 through September 30, 2017 as presented in Attachment #1.

**Roll Call Vote:**

<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 Nuttall</i>	<i>Absent</i>
<i>Councilor Mahan</i>	<i>Yes</i>

**Approved all in favor, 6-0.**

**NEW BUSINESS**

The City Council considered approving and adopting the Post Issuance Compliance Procedures Use of Tax-Exempt Bond Financed Property and Proceeds.

Councilor Nuttall, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves and adopts the Post Issuance Compliance Procedures Use of Tax-Exempt Bond Financed Property and Proceeds as presented in Attachment #2.

**Approved all in favor, 6-0.**

The City Council considered accepting a bid and to authorize financing for a new Fire Truck for the Fire Department.

President Mahan stated he wanted to table this item until February.

Councilor McLeod, seconded by Councilor Klitch, moved to table this item until February. **Approved all in favor, 6-0.**

The City Council considered taking necessary steps to dispose of Tax Acquired Properties.

Councilor Roach, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby authorizes the City Manager to take all necessary steps to dispose of the following properties that the City has taken possession of through the tax lien process:

- 1) 811 Main St. – Map-29 Lot-48-American Baptist Church Vacant/Abandoned
- 2) 1 Sawyer Street-Map 27, Lot 157-Undeveloped Parcel-Vacant
- 3) 3 Sawyer Street-Map 27, Lot 156-Undeveloped Parcel-Vacant
- 4) 62 Seventh Street-Map 26, Lot 259-Single Family Home-Vacant
- 5) 17 Front Street-Map 31, Lot 171-Single Family Home-Vacant
- 6) 449 Bennoch Rd-Map 16, Lot 15-Single Family Home-Vacant

**Approved all in favor, 6-0.**



Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby authorizes the City Manager to take all necessary steps to address occupancy and dispose of the following properties that the City has taken possession of through the tax lien process:

- 1) 15 Union Street-Map 31, Lot 141-Single Family Home-Occupied
- 2) 779 Stillwater Ave-Map 18, Lot 29-Single Family Home-Occupied

Because these two properties are occupied, Councilor Peterson asked if the City would have to evict them. Manager Mayo stated the City Attorney recommended to go ahead and sell them and let the new owners deal with the tenants.

**Motion approved all in favor, 6-0.**

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

Councilor Klitch, seconded by Councilor May, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:14 p.m. pursuant to MRSA Title 405, Section (6)(C) for the purpose of discussing an economic development issue relating to the Expera Mill. **Approved all in favor, 6-0.**

Councilor Klitch, seconded by Councilor McLeod, moved to come out of Executive Session at 7:59 p.m. **Approved all in favor, 6-0.**

The City Council considered going into Executive Session for the purpose of discussing the City Manager's annual performance evaluation.

Councilor McLeod, seconded by Councilor Klitch moved to table this item until the next meeting. **Approved all in favor, 6-0.**

Councilor Klitch, seconded by Councilor May, moved to adjourn at 8:03 p.m. p.m. **Approved all in favor, 6-0.**

Adjourned,

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



**SPECIAL COUNCIL MEETING – NOVEMBER 9, 2016**

Council convened November 9, 2016 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Jan Klitch, Carol May and Eric Roach.

Councilors McLeod, Nuttall and Peterson absent.

Administration present: Bill Mayo and Patty Brochu.

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Council President Mahan called the meeting to order at 4:30 p.m.

**NEW BUSINESS**

The City Council considered accepting the Return of the Votes cast of the November 8, 2016 Regular Municipal Election.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby accepts the Return of the Votes cast of the November 8, 2016 Regular Municipal Election as presented. **Approved all in favor, 4-0**

Councilor May, seconded by Councilor Klitch, moved to adjourn at 4:32 p.m. **Approved all in favor, 4-0.**

Adjourned,

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



## SPECIAL COUNCIL MEETING – November 21, 2016

Council convened November 21, 2016 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Erik Stumpf, Shannon Meister, Steve O'Malley, John Rouleau, Travis Roy, David Russell, Scott Wilcox, and School Superintendent David Walker.

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

### REPORTS

Councilor May reported the Holiday Hullabaloo is December 3<sup>rd</sup> from 9:00 a.m. until 3:00 p.m.

Manager Mayo: 1) The binder is down on Elm Street: 2) Reported on the Municipal Partnership with the MDOT on roadwork from Main Street to Old Town Canoe: 3) On November 18<sup>th</sup> he attended a meeting with BACTS regarding the bridge project. The 2020 finish date has been pushed back: 4) Update regarding the Expera Mill. The Maine Revenue Service stated there is a new law requiring an update of the 2016 appraisal which will cost \$19,000 up front. This will be needed for the State evaluation.

### PUBLIC HEARINGS

The City Council conducted a Public Hearing on a proposal for an expansion of an existing Contract Zone Change from C-1 to R-2 for the remainder of the first floor of property owned by Robert Modery, d/b/a Modery Enterprises, LLC and located at 52 Water Street, Old Town, ME, Tax Map 26, Lot 23.

Code Officer Russell explained that in 2012 zoning was adjusted for the 2<sup>nd</sup> floor of this building. Mr. Modery is now requesting three units on the first floor. The building will have nineteen residential units.

Council President Mahan closed the Public Hearing at 7:24 p.m.

The City Council considered scheduling a Second Reading on a proposal for an expansion of an existing Contract Zone Change from C-1 to R-2 for the remainder of the first floor property owned by Modery Enterprises, LLC.

Councilor Peterson, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby schedules a Second Reading for December 5, 2016 for final approval on a proposal for an expansion of an existing Contract Zone Change from C-1 to R-2 for the remainder of the first floor of property owned by Robert Modery, d/b/a Modery Enterprises, LLC and located at 52 Water Street, Old Town, ME, Tax Map 26, Lot 23. **Approved all in favor, 6-0.**

### **NEW BUSINESS**

The City Council considered authorizing the City Manager to cast a vote for the City to elect a Director onto the MRC Board of Directors.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby authorizes the City Manager to cast Old Town's vote for the MRC Board of Directors. **Approved all in favor, 6-0.**

The City Council considered removing an item that was tabled at the November 7, 2016 Regular Council Meeting.

Councilor Roach, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby removes the item from the table to go into Executive Session to discuss the City Manager's annual performance evaluation. **Approved all in favor, 6-0.**

The City Council considered going into Executive Session for the purpose of discussing the City Manager's annual performance evaluation.

Councilor Peterson, seconded by Councilor May, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:25 p.m. pursuant to Title 1, MRSA Title 405, Section (6)(A) for the purpose of discussing the City Manager's annual performance evaluation. **Approved all in favor, 6-0.**

Councilor Peterson, Seconded by Councilor Nuttall, moved to come out of Executive Session at 8:16 p.m. **Approved all in favor, 6-0.**

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

Councilor Nuttall, Seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves going into Executive Session at 8:16 p.m. pursuant to MRSA Title 405, Section (6)(C) for the purpose of discussing an economic development issue relating to the Expera Mill. **Approved all in favor, 6-0.**

Councilor Peterson, seconded by Councilor Klitch, moved to come out of Executive Session at 8:30 p.m. **Approved all in favor, 6-0.**

Councilor Peterson, seconded by Councilor Klitch, moved to adjourn at 8:30 p.m.  
*Approved all in favor, 6-0.*

Adjourned,

Shannon M. Meister, CCM  
Deputy Clerk-Old Town, ME