



November 21, 2016
Monday, 6:30 pm

**CITY OF OLD TOWN
PUBLIC SERVICES COMMITTEE
AGENDA**

Old Town City Hall
Council Chambers, 2nd floor
265 Main Street, Old Town, Maine

1. **Call to Order** (Please turn off or silent cell phones)
2. **Discussion on Apartment Registration Program**
3. **Possible use of City property for housing rehabilitation**
4. **Adjournment**

FUTURE AGENDA ITEMS
Special Projects

Note: The Public Services Committee is composed of Councilors May (Chair), McLeod, Roach and Council President Mahan.

Town of Orono
Annual Rental Unit Registration Form
Chapter 8, Article 4, Orono Code of Ordinances

NOTE: If you own more than one lot with rental units or rooms, complete one form for each separate lot. The form must be completed whether or not the rental units are occupied. For a single-family home that is occupied but its owner but with an accessory apartment, complete the form for the apartment only. For a single-family home that is occupied by its owner but with single rooms that are rented out or available to rent, complete the form for the room(s) only. All registrations are due by September 1st or a double fee will be charged.

1. Property Address		Rental Type (Check all that apply)	
Tax Map _____ Lot # _____		☐ Single Family Residence	
Street # _____ Street Name _____		☐ Two-Family	
***Rental Unit Information (ownership, manager or emergency contact, property, and tenant information) must be updated every year.		☐ Multi-Family (3 or more units)	
Number of buildings with rental units or rooms at this address _____		☐ Mobile Home	
Total # of tenants at this location _____		☐ Accessory Dwelling Unit	
		☐ Single Room(s)	
		Zone _____	
2. Owner Information (If owner is a corporation or similar entity, provide name of key contact person)			
Last Name _____		First Name _____	
Business Name _____			
Mailing Address			
Street # _____	Street Name _____	PO Box _____	City _____ State _____ Zip Code _____
Telephone # _____		2nd Telephone # _____ E-Mail Address _____	
3. Property Manager Information (If same as above, check here: ☐)			
Last Name _____		First Name _____	
Business Name _____			
Mailing Address			
Street # _____	Street Name _____	PO Box _____	City _____ State _____ Zip Code _____
Telephone # _____		2nd Telephone # _____ E-Mail Address _____	
4. Emergency Contact Information			
Is there an emergency contact other than the names listed above? Yes _____ No _____			
Last Name _____		First Name _____	
Telephone # _____		2nd Telephone # _____ E-Mail Address _____	
*** Please ensure that all information is accurately filled out			

5. Property Information

Number of dwelling units available for rent at this address (See Definitions)			
Total Number of single rooms available for rent			
Total number of off-street parking spaces on the property (See Definitions)			
Total number of off -street parking spaces legally available to tenants at another location			
First Rental Unit (or Room)		Second Rental Unit (or Room)	
Total # of sleeping rooms		Total # of sleeping rooms	
Total # of rooms, excluding bathrooms		Total # of rooms, excluding bathrooms	
Number of bathrooms		Number of bathrooms	
Number of unrelated persons in unit (See Definitions)		Number of unrelated persons in unit (See Definitions)	
Total # of units with characteristics identical to those in the First Rental Unit		Total # of units with characteristics identical to those in the Second Rental Unit	
If there are additional rental units on the lot with characteristics different than the First Rental unit, proceed to Second Rental Unit.		If there are additional rental units on the lot with characteristics different than the Second Rental unit, proceed to Third Rental Unit.	
Third Rental Unit (or Room)		Fourth Rental Unit (or Room)	
Total # of sleeping rooms		Total # of sleeping rooms	
Total # of rooms, excluding bathrooms		Total # of rooms, excluding bathrooms	
Number of bathrooms		Number of bathrooms	
Number of unrelated persons in unit (See Definitions)		Number of unrelated persons in unit (See Definitions)	
Total # of units with characteristics identical to those in the First Rental Unit		Total # of units with characteristics identical to those in the Second Rental Unit	
If there are additional rental units on the lot with characteristics different than the Third Rental unit, proceed to Fourth Rental Unit.		If there are additional rental units on the lot with characteristics different than the Fourth Rental unit, proceed to Fifth Rental Unit.	
Fifth Rental Unit (or Room)		Sixth Rental Unit (or Room)	
Total # of Sleeping Rooms		Total # of sleeping rooms	
Total # of rooms, excluding bathrooms		Total # of rooms, excluding bathrooms	
Number of bathrooms		Number of bathrooms	
Number of unrelated persons in unit (See Definitions)		Number of unrelated persons in unit (See Definitions)	
Total # of units with characteristics identical to those in the First Rental Unit		Total # of units with characteristics identical to those in the Second Rental Unit	
If there are additional rental units on the lot with characteristics different than the Fifth Rental unit, proceed to Sixth Rental Unit.		For additional rental units on this lot different than the units previously described, please attach a separate sheet of paper, listing the information above for each.	

How many of the rental units are occupied by households whose rent payments are federally assisted? _____

Definitions

A "dwelling unit" is a unit with its own kitchen, sleeping and bathroom facilities. A single-family home available for rent should be recorded as 1 rented dwelling unit.

A "parking space" is a paved or graveled space adequate for an automobile with room for opening doors. It includes spaces with a garage and paces in a driveway where there is room for one car to be parked behind nother without overhanging a sidewalk or street. Lawns cannot be used for parking.

"Unrelated" means not related by blood, marriage, adoption, or guardianship. Two unrelated people and their children who are living in a relationship that is intended to be permanent with bonds chacteristic of a family should NOT be counted as unrelated. If a rental unit includes both related persons (for exampld a married couple or siblings) and unrelated persons, the related persons together plus an unrelated person equal 2 unrelated persons.

6. Sketch Of Property

Please attach a sketch of the lot on which the rental property is located (if this property was part of a site plan approved by the Planning Board, so indicate, and a sketch is not necessary).

Show:

- General location of the building on the lot
- Parking area(s) on the lot and the number of parking spaces in each area
- Any outdoor trash storage area
- Any fence or or hedge or similar vegetation that seperates your lot from neighboring lots
- Name(s) of abutting street(s)

7. Utilities

Please provide the names and addresses of the individual(s) responsible for the maintenance of the following utilities (attach an additional sheet if necessary):

Electricity	Owner_____	Management_____	Tenant_____	Other_____
Heat	Owner_____	Management_____	Tenant_____	Other_____
Water	Owner_____	Management_____	Tenant_____	Other_____
Sewer	Owner_____	Management_____	Tenant_____	Other_____
Other: _____	Owner_____	Management_____	Tenant_____	Other_____

8. Lease Expiration

Below, please provide the expiration of all leases associated with this property that are in force as of the date of registration (attach additional sheets if necesasry):

9. Landlord Responsibilities

As the owner of the rental property within Orono, you are required to meet regulatory requirements set forth by federal and state laws as well as relevant Town of Orono Ordinances. These ordinances are available online at <http://www.orono.org/ordinances>. While property owners and residents are required to follow all regulations, landlords may have particular interest in the following: Buildings and Building Regulation (Chapter 8), Environment (Chapter 13), Land Use (Chapter 18), and Law Enforcement (Chapter 20).

The following items are identified to highlight issues that have generated a higher frequency of complaints to the Code Enforcement Office and Public Safety Staff as well as public concern voiced to the Orono Town Council:

--Rental Registration forms must be filed with all related fees to the Town of Orono Code Enforcement Office by September 1st of each year. In accordance with the Rental Registration Ordinance, fees will double to \$50 per unit for all Registrations and/or fees received after September 1st. Please be advised that the Town will begin formal enforcement action which may subject property owners to substantial statutory penalties for rental units not registered by October 15th.

--To be fully registered as required by ordinance, property owners must file a fully completed Rental Registration Form and all related fees to the Code Enforcement Office.

--The number of unrelated individuals living in a dwelling unit is strictly regulated depending upon the zoning district and type of dwelling. If you do not know how many unrelated individuals are allowed to occupy a dwelling unit, please refer to Town of Orono Ordinance Chapter 18, Land Use, or contact Code Enforcement Office. In no case, does the Ordinance allow more than 5 unrelated individuals to occupy a dwelling.

--Notice must be posted in each dwelling unit stating the maximum number of tenants allowed.

--Individuals are not allowed to park on the front lawn, defined as yard extending across the full width of the lot between any structure and the front lot line, or in a manner that obstructs the sidewalk. This includes parking at the end of a driveway in a manner that obstructs vehicular or pedestrian traffic.

--Owners are required to provide adequate collection, storage, and collection of garbage/trash with any remaining spilled litter/trash cleaned up by 11am on the day after trash collection.

--All residents are expected to comply with the Noise, Disorderly Property Ordinances, Building, and land use Ordinances.

--In Orono, ultimately it is the property owners' responsibility to ensure compliance with almost all Town Ordinances--including but not limited to, the Rental, Building, Land Use, and Disorderly Property Ordinances.

Total # Units	Minus (-)	Federally Subsidized Units	Equals (=)	Units Subject To Fee	Times (x)	Fee Per Unit (\$25.00)	Equals (=)	Total Fee
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**Per Ordinance, the fee doubles to \$50/per unit for registrations received after September 1st.*

I certify that the information provided above is true and complete. Further, I acknowledge that designating a local agent does not relieve the owner from responsibility of complying with this and other Town of Orono Ordinances.

Authorized Signature: _____ Date: _____

Printed Name: _____ Date: _____

§ 12-51 PURPOSE

The purpose of this Ordinance is to protect the health, safety and welfare of the residents of the City of Old Town by reducing the number of chronic unlawful or nuisance fireworks activities within the City of Old Town of which disturb the peace and tranquility of neighborhoods within the City.

§ 12-52 LEGISLATIVE FINDINGS

The Old Town City Council hereby finds that:

- a) The City has a substantial and compelling interest in protecting the health, safety, property and welfare of its citizens and the neighborhoods affected by chronic unlawful or nuisance fireworks activity.
- b) Chronic unlawful or nuisance activity of various kinds on and near Disruptive Properties adversely affects the health, safety and welfare of citizens and diminishes the quality of life in neighborhoods where this chronic activity occurs. Chronic unlawful or nuisance activity constitutes a public nuisance and should be subject to abatement.
- c) Properties that generate repeated calls for public safety service due to chronic unlawful or nuisance activity place an undue and inappropriate financial burden on the taxpayers of the City and an undue burden on the City's public safety resources.
- d) The existing Nuisances and Miscellaneous Provisions, as found in Chapter 12 of the City of Old Town's Revised Code of Ordinances do not adequately address or control chronic unlawful or nuisance activity or its detrimental effects on citizens and neighborhoods where such chronic activity occurs.
- e) Enacting this Ordinance will help alleviate conditions created by chronic unlawful or nuisance activity through early intervention by the Chief of Police.

§ 12-53 SCOPE

This Ordinance shall apply to the Owners of all residential properties, as defined in section 12-54 below, located within the City of Old Town.

§ 12-54 DEFINITIONS

Disruptive Activities shall mean activities and situations conducted or created within or upon a residential property, or upon adjacent properties, by the Owner, Owner's employees, Owner's representatives, occupants, tenants, guests, or customers of the residential property, or by visitors to any such Owner, occupant, tenant, guest, or customer, which unreasonably disturb the community, the neighborhood, or an individual of normal sensitivities at or beyond the property line, including, but not limited to:

- 1) Civil or criminal trespass on adjacent or neighboring properties;
- 2) Depositing waste, trash or refuse items on adjacent or neighboring properties;
- 3) Violations of Chapter 22 (Solid Waste), Article 3 of the City of Old Town Revised Code of Ordinances relating to placement and storage of curbside waste and acceptable waste for curbside collection;
- 4) Discharging a firearm in violation of Chapter 12 (Nuisances), section 12-32(a) of the City of Old Town Revised Code of Ordinances;
- 5) Violations of Chapter 6 (Buildings) of the City of Old Town Revised Code of Ordinances, International Residential Code, relating to exterior maintenance of residential properties;
- 6) Disorderly conduct, as defined in 17-A MRSA sec. 501;
- 7) Failure to disperse, as defined in 17-A MRSA sec. 502;
- 8) Riot, as defined in 17-A MRSA sec. 503;
- 9) Endangering the welfare of a child, as defined in 17-A MRSA sec. 554(1)(A) and (B);
- 10) Arson, as defined in 17-A MRSA sec. 802 on the residential or adjacent properties;
- 11) Vandalism of adjacent or neighboring properties;
- 12) Criminal mischief, as defined in 17-A MRSA sec. 805 and 806, on adjacent or neighboring properties;
- 13) Prostitution or public indecency, as defined in 17-A MRSA Chapter 35;
- 14) Unlawfully furnishing or trafficking in scheduled drugs, as defined in 17-A MRSA Chapter 45; or

15) Maintenance of an automobile graveyard or junkyard, as defined in 30-A MRSA sec. 3752, on the residential property, without the required permits, following expiration of the correction and appeals periods stated in a written notice of violation from the City's Code Enforcement Officer to the property Owner(s).

Disruptive Activity Report shall mean a document summarizing the findings of the responding officer investigating a complaint or the officer's observations concerning a Disruptive Activity. The notice shall contain the property identification; the identification of the officer; the time and date of the alleged Disruptive Activity and the officer's response; the basis of the complaint or the responding officer's observations; and the officer's findings.

Disruptive Event shall mean any twenty-four (24) hour period commencing at noon and ending at noon the following day during which a police officer observes or the Police Department receives one or more complaints of a Disruptive Activity to which the Police Department responds and substantiates that a Disruptive Activity has occurred as outlined in section 12-54 of this Ordinance. The Police Chief shall, after review of all relevant information, determine whether a Disruptive Event has occurred.

Disruptive Property shall mean any residential property for which the Police Chief has notified the Owner that the Police Department has documented and substantiated 3 or more Disruptive Events within any 180 day period.

Owner shall mean any person, including any legal entity, having legal title to or a beneficial interest in a residential property or any portion thereof, as that interest is recorded in the tax records of the City of Old Town or the Penobscot County Registry of Deeds.

Police Chief shall mean the Chief of Police or acting Chief of Police of the City of Old Town or other official of the Police Department as may be designated by the Police Chief.

Residential Property shall mean all property within the City of Old Town zoned or actually used for residential purposes, including:

- 1) Any lot or parcel of land on which one or more residential buildings or buildings of mixed occupancy are located;
- 2) Residential buildings, including single-family dwellings, two-family dwellings, multi-family dwellings and rooming and boarding houses; and
- 3) Residential occupancies in buildings of mixed use or occupancy.

§ 12-55 DECLARATION OF PUBLIC NUISANCE

A Disruptive Property is hereby declared to be a Public Nuisance.

The Owner(s) of residential properties in Old Town shall provide sufficient control, oversight, monitoring and management of the property to prevent the same from becoming a Disruptive Property.

The Owner(s) of a Disruptive property shall be responsible for taking all necessary measures to abate or eliminate the Public Nuisance.

§ 12-56 DISRUPTIVE PROPERTIES PROHIBITED

No Owner of a residential property in Old Town shall maintain, or allow to be maintained or to exist on the Owner's property, a Disruptive Property as defined in this Ordinance. Each and every day that a Disruptive Event is permitted to occur on the property, by the Owner of the Disruptive Property, after it becomes classified by the Police Chief as a Disruptive Property shall constitute a separate offence and will be penalized as such.

§ 12-57 DEFENSES

It shall be no defense to classification as a Disruptive Property or to prosecution for violations of this Ordinance that:

- 1) Occupancy of the property for residential purposes was either permitted by, or in violation of, applicable zoning restrictions on use of the property concerned; or
- 2) The Disruptive Activities resulting in classification of the property as a Disruptive Property were caused by persons occupying the property without a formal lease, license or other permission from the property Owner(s), provided that:
 - (a) Occupancy of the Disruptive Property by the persons concerned was known by or brought to the attention of the Owner(s); and
 - (b) The Owner(s) of the Disruptive Property acquiesced to continued occupancy of the property by such persons after the Owner(s) were knew or were made aware of their occupancy.

§ 12-58 DOCUMENTATION AND SUBSTANTIATION OF COMPLAINTS

The Police Department shall document all responses to complaints or observations of Disruptive Activities. An officer may investigate a Disruptive Activity based on a complaint or on the officer's own independent observation. The responding officer(s) shall file a Disruptive Activities Report which shall classify each incident as either a Disruptive Activity or as an unsubstantiated complaint or observation. The responding officer(s) may classify a complaint or observation as a Disruptive Activity, notwithstanding that no arrest is made or summons issued to any individual on the property concerned.

The Police Chief shall review all reports of Disruptive Activities. Based on that review, the Police Chief shall designate the incident as a substantiated or unsubstantiated Disruptive Event. The Police Chief shall maintain a summary log of all substantiated Disruptive Events for each residential property concerned.

§ 12-58 NOTICE OF DISRUPTIVE EVENTS OR DISRUPTIVE PROPERTY

Whenever the Police Chief determines that two Disruptive Events have occurred at the same residential property within any 180 day period, the Police Chief shall send a written notice to the Owner(s) of the property concerned. The notice shall be sent by first class mail, postage prepaid, return receipt and address correction requested, to the last known mailing address of the Owner(s) concerned.

The written notice shall contain the following information:

- 1) The location of the residential property and the Owner(s)' names.
- 2) The dates and nature of the two most recent substantiated Disruptive Events for that property.
- 3) A summary of the provisions of this Ordinance.
- 4) A warning that upon substantiation of a third or subsequent Disruptive Event at the residential property within the same 180 day period, the property shall be classified as a Disruptive Property, with the adverse consequences of this Ordinance to apply.

Whenever the Police Chief determines that a third or subsequent Disruptive Event has occurred at the same residential property within any 180 day period, the Police Chief shall send an additional written notice to the Owner(s) of the property concerned. The notice shall be sent by first class mail, postage prepaid, return receipt and address correction requested, to the last known mailing address of the Owner(s) concerned.

The Disruptive Property Notice shall contain the following information:

- 1) The location of the residential property and the Owner(s)' names.
- 2) That the property has been classified by the Police Chief as a Disruptive Property in accordance with the provisions of this Ordinance.
- 3) The dates and nature of the three most recent substantiated Disruptive Events for that property.
- 4) A statement that the Owner(s) may appeal the Police Chief's determination to the Old Town Board of Appeals, in writing, within thirty (30) days after the Owner(s)' receipt of the

Disruptive Property Notice, in accordance with Appendix A, section 107.3 of the City of Old Town Revised Code of Ordinances.

5) A statement that if the Owner(s) fail to appeal the Police Chief's determination to the Board of Appeals within thirty days, the adverse consequences of this Ordinance shall apply to the Owner(s)' property.

6) An invitation to meet with the Police Chief to develop a remediation plan under section 12-61 below, in lieu of other enforcement action under this Ordinance.

§ 12-59 EFFECT OF CLASSIFICATION AS DISRUPTIVE PROPERTY

Upon expiration of the applicable appeals period with no appeal filed, or upon final resolution of any appeal in a manner favorable to the City, the Owner(s) of each residential property that has been classified as a Disruptive Property by the Police Chief shall be subject to the following consequences:

1) City Cost Recovery. The Owner(s) of a Disruptive Property shall be billed for the cost of each police response by the City of Old Town to any complaint of Disruptive Activity at the property concerned, following the property's classification as a Disruptive Property, if the complaint results in substantiation of an additional Disruptive Event. The amount to be billed shall consist of the City's current private duty hourly rate for the officer(s) concerned, plus the City's actual cost of any medical treatment to injured officers and the cost of repairing any damage to City-owned equipment or property. The minimum charge for any police response shall be \$250.00.

The amount billed shall constitute a debt to the City by the Owner(s) of the Disruptive Property. If not paid within thirty (30) days after the date of the City's invoice, the amount concerned shall be subject to a collection action in court.

2) Civil Penalties. Upon prosecution for a violation of this Ordinance, any Owner who is found by the court to have maintained or allowed a Disruptive Property to exist on that Owner's property in violation of this Ordinance shall be subject to a civil penalty of \$500.00 for the first offence, \$1,000.00 for the second offence, \$1,500.00 for the third offence and \$2,000.00 for the fourth and subsequent offences. Each violation of a separate provision of this Ordinance and each day that such violation shall continue after written notice to the Owner thereof shall constitute a separate offence.

All civil penalties shall inure to the benefit the City of Old Town.

3) Additional Fines. In any prosecution for violations of other City of Old Town ordinances relating to a Disruptive Property, said violations occurring while the Disruptive Property designation remains in effect, all applicable fines shall be doubled from the amount otherwise provided by ordinance.

The cost recovery and additional fine provisions of this section shall apply to each Disruptive Property commencing thirty days after the Police Chief's determination that the property concerned is a Disruptive Property, if no appeal is filed; and from the date of final resolution of any appeal filed, if the resolution upholds the Police Chief's determination (the "Commencement Date").

The cost recovery and additional fines provisions shall remain in effect for a minimum of one year following the Commencement Date, and shall continue for as long as the property concerned remains classified as a Disruptive Property.

4) Injunctive Relief. In any prosecution for violations of this Ordinance, the City, in addition to applicable monetary penalties, shall be entitled to seek an order of the court requiring abatement of all Disruptive Activities on the property upon such terms as the court may determine.

5) Attorney's Fees and Costs. If the City is the prevailing party in a prosecution under this Ordinance, each Owner of the Disruptive Property found by the court to have maintained or allowed a Disruptive Property to exist on that Owner's property shall also be liable for all reasonable expenses incurred by the City in the enforcement of this Ordinance, including but not limited to City of Old Town staff time, attorney's fees, and court costs.

§ 12-60 TERMINATION OF DISRUPTIVE PROPERTY STATUS

Classification of a residential property as a Disruptive Property shall terminate one year after the commencement date for City cost recovery and additional fines under section 12-59 above, provided that no additional Disruptive Events have been substantiated at the property by the Police Chief since the date of the Disruptive Event that resulted in the property's classification as a Disruptive Property, and upon the Police Chief's determination of all the following conditions have been met:

- 1) Payment of all civil penalties and costs arising from any enforcement action; or
- 2) Verification by City Officials that all deficiencies/violations, if any, discovered during any inspection under § 12-59 have been corrected; and
- 3) Satisfactory implementation of any Remediation Agreement agreed to by the Owner(s) under § 12-61 below.

Upon substantiation of any subsequent Disruptive Event at the property occurring within one year after the date of the Disruptive Event that resulted in the property's classification as a Disruptive Property, the status of the property as a Disruptive Property shall be extended until a date that is one year after the occurrence of such subsequent Disruptive Event, subject to notice and a right of appeal in accordance with section 12-58 above.

The Disruptive Property classification shall be removed from the property by the Police Chief

§ 12-61 REMEDIATION PLAN

Once a property has been classified as a Disruptive Property by the Police Chief, the Owner may elect to undertake a plan of remediation to abate and eliminate the public nuisance in accordance with this section.

1) Property Inspection. If the property has not undergone a comprehensive code and fire-safety inspection within the prior 360 days, the Owner must agree to make available the entire property for a comprehensive inspection by the Fire Department and the Code Enforcement Officer and must schedule such inspections to be completed as soon as possible, but within 14 days from the date of the notice of the Disruptive Property classification. The Owner shall notify in writing all tenants and occupants of the property of the scheduled inspections and shall provide copies of such notices to the Police Chief. The Owner shall also cooperate fully with the City officials to gain entry to all areas of the property.

2) Meeting with Police Chief. The Owner or the Owner's duly authorized agent shall meet with the Police Chief or designee within later of 14 days of the notice of the Disruptive Property classification or within 14 days from the completion of the inspections outlined in this section.

At the time of this meeting the Owner, or the Owner's authorized agent, shall provide to the Police Chief the following documentation:

(a) A complete description of the property, including, but not limited to:

i A list of all dwelling units and their postal or E-911 address designation as they are located on the property;

ii. Floor plans or sketches for all structures located on the property showing the location of all dwelling unit entrances and egress points, sleeping areas and common areas;

iii. A site description and sketch acceptable to the Code Enforcement Officer and Fire Chief showing the location and dimensions of all structures, yards or open spaces or recreational spaces, walkways, parking spaces, driveways and curb cuts; and

iv. Other descriptive items as might be requested by the Code Enforcement Officer, Fire Chief or Police Chief.

(b) A narrative description of the use and occupancy of the property over the previous five (5) years, together with a statement of the intended use of the property for the next five (5) years, if known.

(c) A copy of the terms and conditions contained in any lease agreement(s) agreed to by the tenants of the Disruptive Property.

(d) Documentation of any other written or verbal arrangements authorizing occupancy of the Disruptive Property that may exist in addition to any lease agreement.

At the time of this meeting, the Police Chief shall, to the extent permitted by law, provide to the Owner, or the Owner's duly authorized agent, documentation of municipal actions that involved the property in question in the 360 day period preceding the Disruptive Property classification, including but not limited to records of all Disruptive Events, disturbance complaints, code enforcement complaints and inspections and fire safety inspections.

3) Remediation Agreement. The Owner or the Owner's duly authorized agent must agree to take effective measures to address the Disruptive Property, satisfactory to the Police Chief, which shall be memorialized in a written agreement at the conclusion of the meeting (the Remediation Agreement) and implemented within 14 days from the date of the meeting unless circumstances necessitate additional time as found by the Police Chief. Remedial measures may include but are not limited to the Owner, or Owner's duly authorized agent, taking appropriate steps through the judicial system to terminate the occupancy of any tenants or other occupants of the property who have engaged in the Disruptive Activities. The Police Chief and the Owner, or Owner's duly authorized agent, shall sign the Remediation Agreement and copies shall be provided to the City Council, the City Manager, Code Enforcement Officer and Fire Chief.

Execution of a mutually satisfactory Remediation Agreement by the Owner and the Police Chief shall be in lieu of civil cost recovery, court enforcement action and other consequences of the Disruptive Property classification under section 12-59 above. Provided however, that if the Owner(s) of the Disruptive Property fail to perform those actions required of the Owner(s) under the Remediation Agreement, or if additional Disruptive Activities continue to occur at the property concerned after execution of a Remediation Agreement, the City may exercise any or all of the remedies provided under section 12-59 above.

§ 12-63 SEPARABILITY

In the event that any provision of this Ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.



Property Card: 62 SEVENTH STREET
Old Town, ME

NO PHOTO
AVAILABLE

Parcel ID: 026-259-000

Owner: FRIBERG JOSIAH & BRENDA (JT)

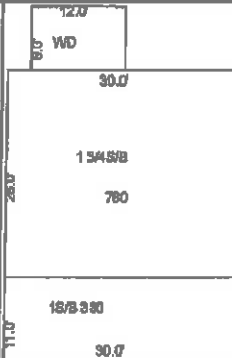
Co-Owner:

Mailing Address: PO BOX 1110
MORAVIAN FALLS, NC 28654

Valuation

Deed B9184P70
Account #: 720
Acreage: 0.11
Taxes: 2190.64
Land Value: \$15,200
Building Value: \$83,700
Total Value: \$98,900
Last Year's Land Value:
Last Year's Building Value:
Last Year's Total Value:
Exemption Amount: \$0
Net Assessment: \$98,900

Building Sketch



Building Information

Living Area (sqft): 1695
Basement Living Area:
Number of Rooms: 8
Number of Bedrooms: 3
Number of Full Baths: 1
Number of Half Baths: 0
Bath Style: Typical
Attic: None
Wet Basement: Wet Basement
Cooling Type: None
Cooling %: 0
Foundation: Concrete Block
Insulation: Minimal
Kitchen Style: Typical
Roof Surface: Asphalt Shingles
Building Style: Cape Cod

Exterior Walls: ALUM/VINYL
Heat Type: Hot Water BB
Heat Percent: 100
Topography: Level
Utilities: All Public
Street Surface: Paved
Sale Date: 02/01/2004
Sale Price: 88000
Book/Page: B9184P70
Dwelling Units:
Other Units:
Stories: 1.75
Year Built: 1900
Year Remodeled: 0
Hearths: 0
Number of Fireplaces: 0
Zoning: R-2 - GENERAL RES



11/17/2016

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

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Property Information - Old Town, ME

Account 720

Z:\TRIDATA\REPICS\720-1-1





Property Card: 449 BENNOCH ROAD
Old Town, ME

Parcel ID: 016-015-000

Owner: HULBERT CAROL A & RUSSELL ESTATE

Co-Owner:

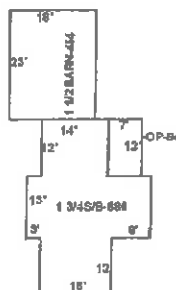
Mailing Address: PO BOX 42
STILLWATER, ME 04489

Valuation

Deed B12057P62 02/19/10
Account #: 3287
Acreage: 0.17
Taxes: 2079.89
Land Value: \$20,300
Building Value: \$73,600
Total Value: \$93,900
Last Year's Land Value:
Last Year's Building Value:
Last Year's Total Value:
Exemption Amount: \$0
Net Assessment: \$93,900

Building Sketch

SHED NW



Building Information

Living Area (sqft): 1200
Basement Living Area:
Number of Rooms: 5
Number of Bedrooms: 2
Number of Full Baths: 1
Number of Half Baths: 1
Bath Style: Typical
Attic: None
Wet Basement: Wet Basement
Cooling Type: None
Cooling %: 0
Foundation: Brick &/or Stone
Insulation: Minimal
Kitchen Style: Typical
Roof Surface: Asphalt Shingles
Building Style: Conventional

Exterior Walls: ALUM/VINYL
Heat Type: Forced Warm Air
Heat Percent: 100
Topography: Rolling
Utilities: All Public
Street Surface: Paved
Sale Date: 12/01/1998
Sale Price: 56000
Book/Page: B12057P62 02/19/10
Dwelling Units:
Other Units:
Stories: 1.75
Year Built: 1837
Year Remodeled: 0
Hearths: 0
Number of Fireplaces: 0
Zoning: R-1 - LOW DENSITY RES

www.cai-tech.com

11/17/2016

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

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Property Information - Old Town, ME





November 21, 2016

Monday

Immediately following the Administrative Services Committee Mtg.

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

- I. CALL TO ORDER (Please turn off or silence cell phones)**
- II. FLAG SALUTE**
- III. ROLL CALL**
- IV. Approval of the Minutes (None)**
- 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**
- VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**
 - Public Hearing**
 - 1. The City Council will conduct 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.

2. The City Council will consider 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 of property owned by Modery Enterprises, LLC.
3. Suggested motion: Resolved, the Old Town City Council will conduct a Second Reading at its December 5, 2016, Regular Council Meeting 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.

(Councilor Peterson)

(Roll Call Vote)

IX. OLD BUSINESS

X. NEW BUSINESS

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

Suggested motion: Resolved, the Old Town City Council hereby authorizes the City Manager to cast Old Town's vote for the MRC Board of Directors.

(Councilor May)

2. The City Council will consider removing an item off the table from the November 7, 2016 Regular Council Meeting.

Suggested motion: Resolved, the Old Town City Council hereby removes from the table going into Executive Session to discuss the City Manager's annual performance evaluation.

(Councilor Roach)

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

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to Title 1, MRSA Title 405, Section (6)(A) for the purpose of discussing the City Manager's annual performance evaluation.

(Councilor Peterson)

4. 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 MRSA Title 405, Section (6)(C) for the purpose of discussing an economic development issue relating to the Expera Mill.

(Councilor Nuttall)

XI. ADJOURNMENT

City of Old Town Planning Board

265 Main Street
Old Town, Maine 04468

207-827-3965

Whereas the property owned by Robert Modery, d.b.a. Modery Enterprises LLC, located at 52 Water Street, as shown on Tax Map 26, Lot 23 is located within the C-1 Commercial Business District, and as Mr. Modery has been unsuccessful in finding commercially viable tenants and as Mr. Modery has requested that the remaining portion of the first floor be allowed to have residential units constructed it is necessary to expand the zoning designation from C-1, Commercial Business to a Limited R-2, General Residential under Section 104.24 (1) Contract Zoning, of the Zoning Ordinance for the remainder of the first floor. A review of the request was held at the November 15, 2016, Planning Board meeting and a contract, to be recorded in the Penobscot Registry of Deed, has been reviewed;

This change to the Official Zoning Map of the City of Old Town was approved by Old Planning Board and is recommended for adoption by the City of Old Town's City Council.

 Chairman.
 Suzanne Russell





DATE: November 15, 2016



NOV 02 2016

To: MRC Membership
From: Greg Louder, MRC Clerk
Date: October 27, 2016
RE: **MRC Board of Directors Election Ballot**

Please find enclosed a MRC Board of Directors election ballot. Ballots cast in this election will determine the election of three (3) Directors to serve on the MRC Board of Directors for three-year terms from January 1, 2017 through December 31, 2018. The candidate receiving the fourth highest number of votes will be elected to fill a vacancy from January 1, 2016 through December 31, 2018.

Biographical descriptions of the candidates, as provided by the candidates, are also enclosed for your information.

Ballots must be returned to MRC before 5:00 pm, December 13, 2016. A self-addressed, stamped envelope is enclosed for your convenience.

The election results will be read at the MRC Annual Meeting held at 3:00 P.M. in the afternoon on December 14, 2016 at the Cross Insurance Center, 515 Main Street in Bangor.

Note: Vote must be cast for one candidate only.

Please contact Greg Louder at 664-1700 or 866-254-3507 with any questions.

Voting Ballot

- ◆ To fill three positions for a three year term from January 1, 2017 to December 31, 2019
(3 highest vote totals)
- ◆ To fill a vacancy from January 1, 2017 to December 31, 2018
(Fourth highest vote total)

The Charter Municipality of _____ casts its vote for the following individual to serve on the Municipal Review Committee Board of Directors for the above stated term.

Note: Candidates are listed alphabetically. Biographies provided by each candidate are attached.

VOTE FOR ONE INDIVIDUAL ONLY

→ More than one checked box will invalidate the ballot ←

- ☐ Irene L. Belanger – China
- ☐ Gary Bowman - Oakland
- ☐ Jim Guerra – Hope
- ☐ Wayne Kraeger – Stockton Springs
- ☐ Vaughn Leach – Blue Hill
- ☐ Susan Lessard – Bucksport
- ☐ Chip Reeves – Bar Harbor
- ☐ Tony Smith – Mount Desert

Please return this ballot no later than 5:00 p.m., DECEMBER 13, 2016 to:

Municipal Review Committee, Inc.
395 State Street
Ellsworth, Maine 04605
Or

FAX: (207) 667-2099 EMAIL ATTACHMENT: glounder@mrcline.org

**RESULTS OF THIS ELECTION WILL BE READ AT THE MRC ANNUAL MEETING
TO BE HELD DECEMBER 14, 2016**

MUNICIPAL REVIEW COMMITTEE

2017 ELECTION NOMINATION BIOGRAPHICAL INFORMATION

Irene L. Belanger – Town of China Select Board member, past chairperson Kennebec Valley Council of Governments- Board President

Maine Resource Recovery Association

China Transfer Station Coordinator and Recycling Planner

Past Planning Board Member and Chairperson

RSU #18 Alumni Award

Town Report Dedication

Community Organizer- China Community Days Chair.

Gary Bowman- Degree Forestry UMaine

10 years- Management – Mill River Lumber – Vt./Rutland

10 years – Self Employed – Grocery Store – Fairfield, ME

15 years- Police Officer – Oakland, ME

2 years – Current Town Manager – Oakland, ME

Jim Guerra - Jim Guerra has been working in solid waste management for thirty years and particularly at the municipal level since the early 90's. With public and private experience in most aspects of solid waste management he brings solid "nuts and bolts" experience to the MRC Board. He is just finishing his first three year term with the MRC and currently serves as Vice President. He is very interested in seeing the Fiberight project to fruition while, at the same time, advocating for the rights of departing members from the MRC. Jim currently works at Mid Coast Solid Waste in Rockport (a departing member) which includes an MSW transfer facility as well as a remediation site operated as a CDD landfill under a Consent Agreement with the State. Jim recently completed five years on the Maine Resource Recovery Association's Board of Directors and loves to fish and hunt wild mushrooms around his home in Hope.

Wayne Kraeger - Organic farmer for many years. Member of MOFGA from 1999 to 2008. Current member of Recycling Committee in Stockton Springs. Former Selectman in Stockton Springs 2012 – 2015. Member of former Budget Committee in Stockton Springs.

Vaughn Leach – Several 3 year terms on Blue Hill Planning Board. 1 term as chairman, 2 terms on Appeals board and 1 term as chairman – started my own business in 1977 – Blue Hill Disposal- Sold in 2014. Started new business of BHD Containers. Total of 39 years managing my own solid waste and demolition disposal companies. 54-year resident of Blue Hill on my second term as Blue Hill Selectman.

Susan Lessard – Town Manager Bucksport 4/1/16 – present (interim 8/26/15 – /31/2016)

Town Manager Hampden 12/11/2000 – 6/30/2015.

Town manager Vinalhaven 11/1998-10/2000.

President Maine Municipal Association 2002. Former MRC Board Member.

Member Board of Environmental Protection/ 2007 – 2015. Chair BEP 2008 – 2011.

Chip Reeves – Chip Reeves has lived in Bar Harbor for most of his life, graduating from the University of Maine with a BS in Construction Management. Mr. Reeves has been the Public Works Director for the Town of Bar Harbor since 1997, where part of his duties include managing the Solid Waste Division. As Public Works Director, he has been dedicated to managing the Town of Bar Harbor's waste stream in order to reduce costs while still maintaining quality service levels that local taxpayers expect. Chip has been on the board for the past six years, the past four years as its president. He continues to find the decision making process of the MRC Board of Directors regarding the implementation of the post 2018 solution an interestingly huge challenge.

Tony Smith – I was elected to my first term on the Board in 2012 to serve from 2013-2015. I was not fortunate enough to be re-elected in 2015 but remained active serving the Board on a limited basis. Early in 2016, a recently elected director resigned and I was appointed to the Board to fill a vacancy for the remainder of the year. Recognizing that our current MSW handling and disposal process was behind the times environmentally, was antiquated, would prove to be very expensive post-2018, the Board initiated a process in 2012 to identify a post-2018 alternative to it. An alternative was identified and is well on its way to becoming a reality in Hampden. The process between alternative identification and today was very long and challenging one and is the result of a lot of hard work by the Board members. I greatly appreciate the Board and their efforts and hope to continue working with them to see the project through to its implementation and to continue "Ensuring affordable, long term, environmentally sound disposal of MSW". My brief history follows:

Public Works Director for the Town of Mount Desert since 2001; equipment and staff management responsibilities include curbside MSW collection with town-owned packer trucks and town staff: recycling center: annual one-week bulky waste collection.

Chairman of the Acadia Disposal District, an independent quasi-municipal, tax-exempt solid waste corporation comprised of five towns; provides services related to the efficient and lawful management, disposal, and recycling of MSW on behalf of its member towns including an annual hazardous and universal waste collection event and contract negotiations with an area transfer station in Southwest Harbor and agreement negotiations with the City of Ellsworth for recycling.

BS degrees in Biology and Chemistry, Mount Allison University, 1979 and Civil Engineering, UMaine, 1986.

Consulting Engineer for 15 years with 12 of those years with CES, Inc., experience in solid waste management including landfill closures and transfer station and recycling center siting, design and construction.

Resident of the Town of Mount Desert; enjoy reading, walking and hunting and fishing as a reason to get to the woods.

Member of the Episcopal Church's Buildings and Grounds Committee, Somesville Library Association, Town Revitalization Committee and Mount Desert Volunteer Fire Department.