



**FEBRUARY 6, 2017  
MONDAY  
7:00 P.M.**

**AGENDA  
SPECIAL COUNCIL MEETING  
City Council Chambers, 2<sup>nd</sup> 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 of the December 19, 2016 Special Council Meeting and the January 3, 2017 Regular Council Meeting.**
- V. PETITIONS, COMMUNICATIONS AND CITIZENS' REQUESTS**
- VI. REPORTS**
  - A. Council President**
  - B. Standing Committees (Finance, Public, Administrative & Economic Services; Landfill, Legislative, Sewer, Airport & Housing sub-committees)**
  - C. City Councilors**
  - D. City Attorney**
  - E. Special Committees**
  - F. City Manager**
- VII. CONSENT AGENDA (New Business items 1 through 9)**

Suggested motion: Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, 3, 4, 5, 6, 7, 8 & 9 as presented.

(Councilor Roach)

## VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

### PUBLIC HEARINGS

1. The City Council will conduct a Public Hearing on a proposal to set a Permit Application fee or Application for Permit Amendment thereunder fee of \$100 pursuant to Chapter 24, Solid Waste Facilities, Section 24-23 A of the City of Old Towns Code of Ordinances.
- 1a. The City Council will consider setting a Permit Application fee or Application for Permit Amendment fee.

Suggested motion: Resolved, the Old Town City Council hereby approves setting a Permit Application fee or Application for Permit Amendment fee of \$100 pursuant to Chapter 24, Solid Waste Facilities, Section 24-23 A of the City of Old Towns Code of Ordinances.

(Councilor McLeod)

## IX. OLD BUSINESS

### X. NEW BUSINESS

1. The City Council will consider a re-appointment to the Old Town Housing Authority Board.

Suggested motion: Resolved, the Old Town City Council hereby re-appoints Margaret Comeau as an Old Town Housing Authority Board of Trustee, term to expire 12/31/2021.

2. The City Council will consider accepting an after deadline redemption on foreclosed property for Ava Shina, located at 60 Martha's Way for payment of 2015 through 2017 Real Estate Taxes in the total amount of \$427.76.

Suggested motion: Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Ava Shina, located at 60 Martha's Way for payment of 2015 through 2017 RE taxes in the amount of \$277.75 plus \$150 Late Redemption fee for a total amount of \$427.76 which includes interest and lien costs and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

3. The City Council will consider entering into a Mutual Aid Agreement with the Penobscot Nation Police Department.

Suggested motion: Resolved, the Old Town City Council hereby approves entering into a Mutual Aid Agreement with Penobscot Nation Police Department and further authorizes the Chief of Police to execute said Agreement.

4. The City Council will consider authorizing the City Manager and Finance Director to dispose of Tax Acquired property by Foreclosure of a mobile home formerly owned by Bobbie Jo Soupa located at 19 Lonnie Loop.

Suggested motion: Resolved, the Old Town City Council hereby authorizes the City Manager and Finance Director to dispose of Tax Acquired property by Foreclosure of a mobile home formerly owned by Bobbie Jo Soupa located at 19 Lonnie Loop. This mobile home will be torn down by Regency Park owners and no lot rent will be charged to the city.

5. The City Council will consider authorizing the Finance Director/Tax Collector to forgive foreclosed real estate taxes in the amount of \$292.38 on property formerly owned by Mason Harlow located at 49 Lonnie Loop.

Suggested motion: Resolved, the Old Town City Council hereby authorizes the Finance Director/Tax Collector to forgive foreclosed real estate taxes in the amount of \$292.38 on property formerly owned by Mason Harlow located at 49 Lonnie Loop. This is a mobile home and will be torn down by Regency Park owners and no lot rent will be charged to the city.

6. The City Council will consider authorizing the Finance Director/Tax Collector to forgive foreclosed real estate taxes in the amount of \$163.91 on property formerly owned by Deborah Cota located at 45 Taylor Road.

Suggested motion: Resolved, the Old Town City Council hereby authorizes the Finance Director/Tax Collector to forgive foreclosed real estate taxes in the amount of \$163.91 on property formerly owned by Deborah Cota located at 45 Taylor Road. This is a mobile home and will be torn down by Regency Park owners and no lot rent will be charged to the city.

7. The City Council will consider authorizing the Finance Director to carry forward the following balances in the Municipal General Fund accounts and Pollution Control accounts. This is an annual year-end accounting authorization.

Suggested motion: Resolved, the Old Town City Council hereby approves authorizing the Finance Director to carry forward funds in the Municipal General Fund accounts and Pollution Control accounts as listed in Attachment #1.

8. The City Council will consider accepting quotes for Full Traffic Cam Detection and installation at the intersection of Bennoch Road and Stillwater Avenue.

Suggested motion: Resolved, the Old Town City Council hereby accepts the quote from Highway Tech in the amount of \$11,160.00 for Full Traffic Cam Detection equipment at the intersection of Bennoch Road and Stillwater Avenue. The City Council also accepts the quote from Bangor Electric in the amount of \$1,770.00 to install the equipment. Funds for this project will come from Account #7200-0380 Capital Projects-Traffic Lights.

9. The City Council will consider accepting the 2017 Bureau of Highway Safety Speed Enforcement Grant. This money is used to assigned specific details to enforce speeding issues in the city.

Suggested motion: Resolved, the Old Town City Council hereby accepts the 2017 Bureau of Highway Safety Speed Enforcement Grant in the amount of \$2,628.37.

10. The City Council will consider going into Executive Session for the purpose of discussing personnel matters.

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

(Councilor May)

## **XI. ADJOURNMENT**



## SPECIAL COUNCIL MEETING – DECEMBER 19, 2016

Council convened December 19, 2016 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Erik Stumpfel, Patty Brochu, Cindy Jennings, David Russell and Scott Wilcox.

Others present: Tim Folster

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Council President Mahan called the meeting to order at 7:14 p.m.

Councilor Klitch, seconded by Councilor Peterson, moved to approve the Minutes of the December 5, 2016 Organizational and Regular Meeting Minutes.

### REPORTS

Councilor Klitch commended the Public Works Department for doing a great job on the roads after the recent storm.

Councilor May also commended the Public Works Department and Fire Department for cleaning up the diesel spill on Main Street. She also commented that the Middle School kids did a great job painting the windows on Main Street.

Attorney Stumpfel updated the Council that there is \$24 million per year in valuation at stake with the Expera Tax appeal which is in the hands of the court system and could take up to another year.

Manager Mayo: 1) he's been working with Code Officer Dave Russell on a fee for landfill applications; 2) Informed the Council that for a storm of 5 to 6 inches of snow costs normally about \$14,000, this past storm cost about \$22,000.

### NEW BUSINESS

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

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

Code Officer David Russell reported that he and the Fire Department do not recommend approval of the renewal application. When the departments were there in October, they gave the owners a list of things that needed to be correct and to date, they

have not done any of them. He suggested the Council could amend the motion to approve pending they fix all issues by the end of day of Friday.

Councilor McLeod, seconded by Councilor Klitch, moved to amend the motion by adding the approval is pending providing they fix all issues by 4:00 p.m. on Thursday December 22<sup>nd</sup>. **Approved all in favor, 6-0.**

Original motion as amended **approved all in favor, 6-0.**

The City Council considered granting an Easement to Emera for Utility Line Serving Cell Tower Site off the end of Penny Road.

Councilor May, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves granting an Easement to Emera, Maine for utility purposes for serving the Cell Tower Site off the end of Penny Road and authorizes the City Manager to execute said Easement. **Approved all in favor, 6-0.**

The City Council considered approval of a Special Taste Testing (Beer) Event Permit for the Old Town Elks Lodge to be held February 4, 2017 from 12 Noon until 5:00 p.m.

Councilor Nuttall, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves a Special Taste Testing (Beer) Event Permit for the Old Town Elks Lodge, 290 Fourth Street, to be held February 4, 2017 from 12 Noon until 5:00 p.m.

Code Officer David Russell reported they also have not fixed the list they were given on their last renewal and recommended this be tabled.

Councilor Klitch, seconded by Councilor McLeod, moved to table this item to the January 3, 2017 Regular Council Meeting. **Approved all in favor, 6-0.**

The City Council considered amending the Council's Rules and Procedures by replacing Section 9, President Pro Tempore in its entirety to allow electing a Vice President of the City Council who shall serve as President Pro Tempore.

Councilor Klitch, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves amending the Council's Rules and Procedures by replacing Section 9, President Pro Tempore in its entirety as presented in Attachment #1. **Approved all in favor, 6-0.**

Councilor Peterson, seconded by Councilor Klitch, moved to adjourn at 7:34 p.m. **Approved all in favor, 6-0.**

Adjourned,

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





## REGULAR COUNCIL MEETING – JANUARY 3, 2017

Council convened January 3, 2017 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Patty Brochu, Steve O’Malley, David Russell and Scott Wilcox.

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

### **REPORTS**

Manager Mayo reported that the Christmas Trees will be picked up and chipped after the storms are cleaned up.

### **CONSENT AGENDA**

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

Item #1: Resolved, the Old Town City Council hereby re-appoints Donald Sturgeon to the Old Town Water District Board of Trustees, term to expire 3/31/2020.

Item #2: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Spirituous & Vinous Liquor License and Special Amusement Permit for the American Legion, Tedd-Lait Post #75, 20 Water Street.

Item #3: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Spirituous & Vinous Liquor License and Special Amusement Permit (no dancing) for John Rondo d/b/a Yamas, 268 Main Street.

Item #4: Resolved, the Old Town City Council hereby approves renewing the annual Animal Control Agreement with Penobscot County at the cost stated in the Agreement for Animal Control Services in the City.

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

**SECOND READINGS**

The City Council conducted 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 25, Lot 11 from General Residence R-2 to Commercial Business C-1 as recommended by the Planning Board.

There being no comments, President Mahan closed the hearing.

The City Council considered final approval on a proposal to amend the Zoning Designation for the previous Old Town Canoe factory property.

Councilor Nuttall, seconded by Councilor May, Resolved, the Old Town City Council hereby approves 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 25, Lot 11 from General Residence R-2 to Commercial Business C-1 as recommended by the Planning Board.

**Roll Call Vote:**

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

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

**OLD BUSINESS**

The City Council considered removing the item concerning the Old Town Elks application for a Special Taste Testing Event from the table. This item was tabled at the December 19, 2016 Special Council Meeting.

Councilor Roach, seconded by Councilor Nuttall, Resolved, the Old Town City Council hereby removes the Old Town Elks application for Special Taste Testing Event from the table. **Approved all in favor, 6-0.**

The City Council considered approval of a Special Taste Testing (Beer) Event Permit for the Old Town Elks Lodge.



Councilor Klitch, seconded by Councilor May, Resolved, the Old Town City Council hereby approves a Special Taste Testing (Beer) Event Permit for the Old Town Elks Lodge, 290 Fourth Street, to be held February 4, 2017 from 12 Noon until 5:00 p.m. **Approved all in favor, 6-0.**

### **NEW BUSINESS**

The City Council considered electing a Vice President to act as President Pro-Tempore for the 2016-2017 Council Term Year.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby elects Eric Roach as Vice President to the Council who will carry out the duties of President Pro-Tempore for the 2016-2017 Council Term Year. **Approved all in favor, 6-0.**

The City Council considered authorizing the transfer of funds to cover the cost of the 2016 Old Town Mill appraisal.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby authorizes the Finance Director to transfer \$19,040 from Account #03800 Fund Balance to account #1500-0299 Assessor's Other Contractual Services to pay MRV Appraisal Company for the appraisal work done at the Old Town Mill as recommended by the Finance Committee. **Approved all in favor, 6-0.**

The City Council considered authorizing the transfer of funds to cover the legal fees with the Mill Site Sale transaction.

Councilor Nuttall, seconded by Councilor May, Resolved, the Old Town City Council hereby authorizes the Finance Director to transfer \$18,165 from Account #03800 Fund Balance to Account #1210-0295 Legal Fees to pay Barns, Greenfield and Thornton for legal fees with the Mill Site Sale transaction as recommended by the Finance Committee. **Approved all in favor, 6-0.**

Councilor Klitch, seconded by Councilor Nuttall, moved to adjourn at 7:09 p.m. **Approved all in favor, 6-0.**

Adjourned,

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

## City of Old Town Carryforward Recommendation

Unexpended Balances from FY2014/2015 Carried Forward to FY2016/2017 Budget

| <u>Department</u> | <u>Code</u> | <u>Description</u>   | <u>FY2015/2016<br/>Carry Forward</u> |
|-------------------|-------------|--|--------------------------------------|
| 1015              | 0536        | EMPLOYEE BENEFITS - WELLNESS PROGRAM                             | 1,800.00                             |
| 1200              | 0540        | CITY MGR. ADMIN - CONTINGENCIES                                  | 17,253.45                            |
| 1215              | 0206        | ECONOMIC DEV'L - MKTING & MATERIAL (balance of dept. unexpended) | 5,975.00                             |
| 1215              | 0299        | ECONOMIC DEV'L - OTHER CONTRACTURAL                              | 104,955.51                           |
| 1220              | 0299        | INFORMATION TECH - OTHER CONTRACTURAL                            | 95,494.82                            |
| 1420              | 0299        | J R LANDFILL - OTHER CONTRACTURAL                                | 212,333.84                           |
| 5500              | 0430        | CONCERTS IN THE PARK   | 1,380.00                             |
| 7100              | 0414        | CAPITAL EQUIP. RESERVE - TECH -OTHER CAPITAL OUTLAY              | 14,029.21                            |
| 7200              | 0010        | SIDEWALKS  | 15,603.00                            |
| 7200              | 0020        | CAPITAL PROJECTS - ADA IMPROVEMENTS                              | 19,964.15                            |
| 7200              | 0030        | CAPITAL PROJECTS - BROOK PIPE                                    | 38,787.00                            |
| 7200              | 0070        | CAPITAL PROJECTS - STREET PAVING                                 | 72,190.01                            |
| 7200              | 0100        | CAPITAL PROJECTS - REVALUATION                                   | 10,000.00                            |
| 7200              | 0171        | CAPITAL PROJECTS - POOL REPAIR                                   | 10,000.00                            |
| 7200              | 0185        | CAPITAL PROJECTS - WOODLAND AVE REPAIR                           | 15,000.00                            |
| 7200              | 0200        | CAPITAL PROJECTS - PENNY ROAD                                    | 25,000.00                            |
| 7200              | 0210        | CAPITAL PROJECTS - RECODIFICATION                                | 6,373.78                             |
| 7200              | 0240        | CAPITAL PROJECTS - POPLAR STREET                                 | 6,500.00                             |
| 7200              | 0270        | CAPITAL PROJECTS - POLICE DEPT. DEFIBRILATOR                     | 700.00                               |
| 7200              | 0300        | CAPITAL PROJECTS - STORMWATER PHASE I                            | 23,232.00                            |
| 7200              | 0350        | CAPITAL PROJECTS - GRANT MATCH                                   | 28,303.02                            |
| 7200              | 0360        | CAPITAL PROJECTS - PLAYGROUND EQUIPMENT                          | 2,500.00                             |
| 7200              | 0380        | CAPITAL PROJECTS - TRAFFIC LIGHTS                                | 14,688.04                            |
| 7200              | 0385        | CAPITAL PROJECTS - ENERGY PROJECTS                               | 88,864.68                            |
|                   |             |  | <u>830,927.51</u>                    |

## Pollution Control Carryforward Recommendation

Unexpended Balances from FY2015/2016 Carried Forward to FY2016/2017 Budget

| <u>Department</u> | <u>Code</u> | <u>Description</u>   | <u>FY2015/2016<br/>Carry Forward</u> |
|-------------------|-------------|----------------------|--------------------------------------|
| 8300              | 0195        | GIS PROJECT          | 20,000.00                            |
| 8300              | 0925        | COMPUTER SYSTEM      | 6,500.00                             |
| 8300              | 0930        | HEADWORKS INVENTORY  | 10,000.00                            |
| 8300              | 0940        | LEGAL & ENGINEERING  | 5,000.00                             |
| 8300              | 0945        | INTERCEPTOR CLEANING | 10,000.00                            |
| 8300              | 0950        | CSO FLOWMETER        | 10,000.00                            |
| 8300              | 0960        | RBC REPLACEMENT      | 60,000.00                            |
| 8300              | 0980        | I & I STUDY          | 19,754.95                            |
| 8300              | 0985        | LINE REPAIR          | 70,000.00                            |
|                   |             |                      | <u>211,254.95</u>                    |

# MEMO

Date: January 5, 2017

To: Full Council

From: Scott Wilcox, Police Chief

Cc: Bill Mayo, Patty Brochu

RE: Request to accept Highway Tech Quote for Traffic Detection at Bennoch Rd

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I am looking for the Council to accept the quote from Highway Tech in the amount of \$11,160.00 for Full Detection at the Bennoch Rd/Stillwater Ave Intersection. Bangor Electric would install the traffic cameras at the rate of \$76.00 an hour, this includes two employees and a bucket truck. Bangor Electric has figured this is a two-day project estimating the cost to be \$1520.00 with an additional \$250.00 for parts. The total cost for this project to be completed is \$12,930.00.

Respectfully Submitted

Scott J Wilcox



# Highway Tech

Highway Tech Signal Equipment Sales, Inc.  
6 Sabattus Road • P.O. Box 1209 • Sabattus, ME 04280  
Tel. (207) 375-8248 • Fax (866) 232-7014

# Fax

**To:** Scott Wilcox

**From:** Michael Stewart

**Co:** Old Town Police Department

**Pages:** 2 (including cover page)

**Fax:** swilcox@oldtownpd.org

**Date:** December 30, 2016

**Phone:** 207-827-3984

**Re:** Trafficams for Stillwater Ave & Bennoch Road

- |                                       |   |                                  |   |                                       |
|---------------------------------------|---|----------------------------------|---|---------------------------------------|
| <input type="checkbox"/> Price Quote  | <input type="checkbox"/> Purchase Order | <input type="checkbox"/> Invoice | <input type="checkbox"/> Return Authorization | <input type="checkbox"/> Packing List |
| <input type="checkbox"/> Product Info | <input type="checkbox"/> Please Reply   | <input type="checkbox"/> Urgent  | <input type="checkbox"/> Please Comment       | <input type="checkbox"/> For Review   |

● **Comments:**

Chief Wilcox

Thanks for your call and your email yesterday. Please find below your quote for the 4-Way Trafficam Video Detection System for the intersection of Stillwater Ave and Bennoch Road in Old Town:

| Old Town – Stillwater & Bennoch Trafficams |   |
|--|---|
| Qty.                                       | Item  |
| 4  | Traficon TrafiCam II Video Detection Sensor with Mounting Hardware (Narrow or Wide Angle) |
| 1  | TrafiCam II 4TI Interface Board with Din Rail, Power Supply, Circuit Breaker, etc.        |
| 4  | Traficam Visors   |
| 1000                                       | TrafiCam Wire   |
| Sum Total: \$ 11,160.00                    |   |

Regarding lead time, it would be about 4 – 5 weeks to deliver this. Please note the above pricing is for supply of the equipment only, and does not include installation costs.

Please let me know if you have any questions or concerns with the above. Thank you for your time and business and the opportunity to provide this quote and have a good day.

Sincerely,  
Michael Stewart  
Sales Representative

*General Terms and Conditions:*

- *Based on current business conditions, the lead-time for equipment is 4 to 5 weeks after acceptable approval and release of the order. This lead-time may be different at time of release.*
- *Quoted prices are good for 30 days from the above date.*
- *Quoted prices are good for the items and quantities listed.*
- *Freight and handling are in addition to the prices quoted above.*
- *Project name, project location and agency name shall be marked on the purchase order.*
- *Cancelled orders on standard items are subject to a 25% restocking fee. Restocking fees for cancelled orders on specialty items may be higher. Structures cannot be cancelled once they have been released for production.*
- *Quoted prices are subject to credit approval. Upon credit approval, standard terms of payment are net 30 days with a 1-1/2% service charge after 30 days.*

# MEMO

Date: January 5, 2017

To: Full Council

From: Scott Wilcox, Police Chief

Cc: Bill Mayo, Patty Brochu

RE: Request to accept Title 30 Agreement with Penobscot Nation Police Department

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I am looking for the Council to accept the finished version of the Title 30 Agreement with Penobscot Nation Police Department. Per our previous presentation to council the City of Old Town Police Department and the Penobscot Nation Police Department do not currently have a Title 30 Agreement for mutual Aid responses. For liability reasons, it is my recommendation to council that we have signed agreement with Penobscot Nation Police Department for policing services.

Respectfully Submitted

Scott J Wilcox



## **Mutual Aid Agreement for the Communities of Old Town and Penobscot Nation**

This Agreement made and entered into by and between the Old Town and Penobscot Nation Police Departments

Whereas, the law of the State of Maine provides under M.R.S.A. 30-A, section 2-74, that a municipality with the State of Maine is empowered to make and enter into Mutual Aid Agreements with other municipalities within the State, in order to more effectively allocate law enforcement and other public safety services during emergency situations or events that warrant the need for additional resources.

Whereas, the undersigned entities, which are parties to this Agreement are desirous of obtaining additional law enforcement protection for the citizens of their communities during emergency situations or other events that warrant the need for additional resources by making the most efficient use possible of the law enforcement personnel of the entities included in this agreement.

Whereas, it is desirable that each of the parties hereto should voluntarily aid and assist each other in the event that an emergency situation should occur or other events that warrants this need, by the interchange of law enforcement services.

Whereas, it is necessary and desirable that a Mutual Aid Agreement be executed for the interchange of such mutual aid on a local, countywide and/or regional basis.

Now, therefore, it is hereby agreed by and between each and all of the parties hereto as follows:

1. As used herein, the phrase "emergency situation" shall mean an actual or potential condition within the jurisdiction of one or more of the parties that poses an immediate threat to life or property, and which exceeds the resources and capability of the jurisdiction(s) to successfully bring the situation under control.
2. As used herein, the phrase "other events" shall mean any other event other than an "emergency situation" that requires additional resources or the use of personnel from parties included in this agreement.
3. Each party agrees that in the event of an emergency situation or other event, each other party to this Agreement will furnish such personnel, equipment, facilities, or services as is, in the opinion of the assisting member, available. Provided, however, that each party reserves the right to refuse to render assistance or to recall any or all rendered assistance, whenever it is determined that such actions are necessary to the continued protection of the assisting party's jurisdiction.
4. Each party shall designate the law enforcement officials within their jurisdiction who shall have the authority to invoke this Agreement.

## Mutual Aid Agreement for the Communities of Old Town and Penobscot Nation

5. In order to invoke mutual aid under the provision of this Agreement, the designated official from the requesting party shall be required to contact the designated official of the responding party(s) by telephone, radio, or in writing. The responding party(s) may request such information from the requesting party as is necessary to confirm the emergency situation, and to assess the types and amounts of assistance that shall be provided.
6. During an emergency situation or other event, all personnel from responding agencies shall report to, and shall work under, the direction and supervision of the designated supervisor of the requesting agency at the emergency site or location. Provided, however, that at all times law enforcement officers shall adhere to the policies and procedures of their own agency, and shall only be required to respond to lawful orders.
7. Law enforcement officers responding to a call for mutual aid outside of their appointed jurisdiction shall have the same authority as law enforcement officers within the limits of the requesting entity, except as to the service of civil process and, when assisting other entities, shall have the same privileges and immunities as when acting within their own jurisdiction.
8. In the event of a mutual aid request involving actual or potential mass arrests, responding party law enforcement officers shall only make arrests for offenses directly related to the incident, and shall assist in the processing of arrestees as follows:
  - a. Identification of arrestees
  - b. Control of property obtained from arrestees
  - c. Completion of arrest paperwork
  - d. Transportation of arrestees
  - e. Court duty pertaining to arrests
9. In any emergency situation or other events where the Mutual Aid Agreement has been invoked, radio communications should be established between all of the parties, where possible, through use of the local public mutual aid radio system.
10. Each party providing personnel under the scope of this Agreement agrees to be responsible for the wages, pension, workers compensation benefits incurred by their own personnel as a result of the emergency situation or other event, and shall be liable, if any liability is determined to exist for personal injury or property damages caused by or occurring to the law enforcement officers of the responding party in the course of assisting the requesting entity. The law enforcement officers of the responding party in the course of assisting the requesting entity, including state and federal rights claims.

## **Mutual Aid Agreement for the Communities of Old Town and Penobscot Nation**

11. Each party shall be responsible for maintaining and providing to each party on a regular basis an accurate account of available resources including, but not limited to, available personnel per shift, equipment and specialized units.
12. Each party shall develop and update on a regular basis, a plan providing for the effective mobilization of all its resources and facilities to cope with any type of emergency situation.
13. Mutual aid operational plans shall be developed and updated on a regular basis by the parties hereto, and are operative between the parties in accordance with provisions of such plans.
14. The parties agree to meet on a regular basis to review all mutual aid plans and the provisions of this Agreement.
15. This Agreement shall become effective to each party when approved and executed by that party. The Agreement shall remain in effect between each and every party until participation in this Agreement is terminated by the party. Termination of participation in this Agreement by a party shall not affect the continued operation of this Agreement as between the remaining parties. Any party to this Agreement may terminate participation in this Agreement upon thirty days written notice addressed to the designated law enforcement official of each of the other signatory parties, which are a part of this Agreement.
16. The execution of this Agreement shall not give rise to any liability or responsibility for failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as, or deemed to be an Agreement for the benefit of any third party for any cause whatsoever.



# MEMO

Date: January 26

To: Full Council

From: Scott Wilcox, Police Chief

Cc: Bill Mayo, Patty Brochu

RE: Request to accept Bureau of Highway Safety Speed Enforcement Grant

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I am looking for the Council to accept the 2017 Bureau of Highway Safety Speed Enforcement Grant in the amount of \$2628.37. This money is used to assigned specific details to enforce speeding issues in the City of Old Town. The grant money is to be used between March and September and will be broken down into 10 speed enforcement details during that time frame.

Respectfully Submitted

Scott J Wilcox

**SUBGRANT CONTRACT**

**DO NOT ENCUMBER**

**PLEASE RETURN TO:  
BUREAU OF HIGHWAY SAFETY  
LAUREN STEWART, DIRECTOR  
45 COMMERCE DRIVE, SUITE 1  
STATE HOUSE STATION 164  
AUGUSTA, MAINE 04333-0164**

SUBGRANT #: PT17-014  
APPROVAL DATE: 01/23/2017  
PROJECT PERIOD: 02/01/2017 TO 09/15/2017  
013 16A 3151 012 6401 PT1417

The Bureau of Highway Safety, hereinafter called the subgrantor, herewith agrees to provide funds in accordance with the provisions of the Highway Safety Act of 1966, as amended, and appropriate state statutes and regulations to:

Subgrantee Legal Name: Old Town Police Department

hereinafter called the subgrantee, for the purposes and in the amounts contained in the subgrant application submitted by the subgrantee and approved by the subgrantor.

The subgrantee agrees to the terms and conditions stated in the approved subgrant application on file at the office of the subgrantor which are made a part of this contract by reference. The subgrantee agrees to comply with the reimbursement procedures required by the subgrantor and with all special conditions imposed by the subgrantor in approving the award.

The subgrantee agrees to provide the required matching contributions as specified in the approved subgrant application for your 2017 Data-Driven Speed Enforcement/Equip Program.

For the Subgrantor - Bureau of Highway Safety

Federal: \$2,628.37

E016000031  
Old Town Police Department  
150 Brunswick St.  
Old Town, ME, 04468

|       |   |                 |
|-------|---|-----------------|
|       | _____   | <u>Director</u> |
| Date: | Authorized Signature<br>Lauren V. Stewart                 | Title           |
|       | _____   | <u>Chief</u>    |
| Date: | Authorized Signature for Subgrantee<br>Chief Scott Wilcox | Title           |

**THIS CONTRACT HAS BEEN APPROVED AS TO FORM BY THE DEPARTMENT OF THE ATTORNEY GENERAL ON MAY 6, 1996.**

This contract is valid only if signed by an authorized representative of the applicant and BHS and has been approved by the Maine Division of Purchases.  
This subgrant award is conditional upon subsequent legislative or executive action, federal or state, which may result in a budget recession, deferral or revision.  
Approval may also be contingent upon a current year comprehensive plan approval by NHTSA.