



JULY 17, 2017  
MONDAY  
6:30 P.M.

# CITY OF OLD TOWN FINANCE COMMITTEE AGENDA

City Hall-Council Chambers, 2<sup>nd</sup> Floor  
265 Main Street-Old Town, ME

1. **Call to Order** (Please silence or turn off cell phones)

2. **Police Vehicle Request**

Police Chief Scott Wilcox is seeking a recommendation to the full Council to purchase one 2017 Ford Utility Police Intercept cruiser. They requested three bids and only two were turned. Quirk Auto Group of Augusta quoted \$31,868.00 and Darlings Ford of Bangor quoted \$31,014.00 Chief Wilcox and recommending accepting the bid from Darlings Ford and funds will come from Account #7000-0414 Capital Heavy Equipment Reserve. Chief Wilcox and also requesting \$2,982.52 for new equipment and installation cost for the vehicle. Custom Installations, LLC will do the installation and funds will come from the Capital Heavy Equipment Reserve as well.

3. **Tax Acquired Properties**

- a. The Committee will consider a recommendation to the Full Council to accept a bid for the purchase of property located at 283 Main Street.
- b. The Committee will hear a presentation regarding the former Baptist Church property located at 811 Main Street. The Staff is looking for a recommendation to the full Council to demolish the building and retention of the property for reconfiguration of the Penny Road and Main Street intersection.

4. **Airport**

The Committee will discuss the redevelopment of the Sewall Hangar.

5. **Public Works Truck Bids**

Public Works Director John Rouleau is seeking a recommendation to the full Council to purchase two 2018 GMC Crew Cab pickups to replace the existing mowing support vehicles. He received four bids and the low bid is from O'Connor GMC in Augusta in the amount of \$47,736.00

6. **Jefferson Street School**

The Committee will discuss the Environmental Cleanup for the Jefferson Street School.

7. **Adjournment**

***FUTURE AGENDA ITEMS***

*Heavy Equipment Replacement Capital Account Discussion*

*Public Safety, Library,*

*UDAG Loan Discussion*

*Foreclosures*

*IT-Phones, Upgrade, IT Staffing*

*Legislative Affairs*

*RSU #34 Update*

**Note:** The Finance Committee is composed of Councilors Peterson (Chair), May, Nuttall and Council President Mahan.

# MEMO

Date: July 17, 2017

To: Finance Committee

From: Scott Wilcox, Police Chief

Cc: Bill Mayo, Patty Brochu

RE: Request for 1 new Police Vehicles

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I am looking for a recommendation to the full Council to purchase one 2017 Ford Utility Police Interceptor Police Vehicles for the Police Department. We have requested three bids only two were returned; they are Quirk Auto Group in Augusta for \$31,868.00; Darling's Ford in Bangor for \$31,014.00. These bids are the cost per vehicle.

I would recommend that we purchase the vehicle from Darling's Ford in Bangor as they are the lowest bid. Funds will come from the #7000-0414 Capital Heavy Equipment Reserve.

In addition, I am requesting \$2982.52 for new equipment and installation cost for the above-mentioned vehicle. Custom Installations, LLC will to the installation of new equipment. Funds will come from the #7000-0414 Capital Equipment Reserve.

Respectfully Submitted

Scott J Wilcox

The public works department is requesting \$ 47,736 for the purchase of two 2018 GMC crew cab pick up trucks to replace the existing mowing support vehicles. Low bid, from 4 bids, is from O'Connor GMC in Augusta.

2018 Half ton work truck bids			
Darlings Ford	Darlings Dodge	O'connor GMC	Varney GMC
27,750	24,865	23,868	24,334

**Joann Duncan**

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**From:** John Oconnor  
**Sent:** Thursday, July 13, 2017 12:44 PM  
**To:** Joann Duncan  
**Subject:** FW: Double Cab Specs  
**Attachments:** Chevy1500DoubleCab.pdf

**From:** Jeremy Parker [mailto:jeremy.parker@oconnorwheels.com]  
**Sent:** Thursday, July 13, 2017 11:51 AM  
**To:** John Oconnor <JOconnor@old-town.org>  
**Subject:** Double Cab Specs

Good morning John, attached is the spec sheet for the 2018 V8 Double cab, pricing on the truck, ordered, is 23,868.00 per unit. If you have any questions let me know.

Sincerely,  
Jeremy Parker  
Fleet and Commercial Representative  
O'Connor Auto Park  
207-622-3191 Showroom  
207-341-0184 Mobile





**JULY 17, 2017**  
**MONDAY**  
**Immediately following the Finance Comm. Mtg.**

**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 June 5, 2017 Regular Council Meeting and the June 19, 2017 Special Council Meeting.**
- V. PETITIONS, COMMUNICATIONS AND CITIZENS' REQUESTS**
- VI. REPORTS**
  - A. Council President**
  - B. Standing Committees (Finance, Public, Administrative & Economic Services; Landfill, Legislative, Sewer, Airport & Housing sub-committees)**
  - C. City Councilors**
  - D. City Attorney**
  - E. Special Committees**
  - F. City Manager**
- VII. CONSENT AGENDA (New Business items 1, 2 & 3)**

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

(Councilor Roach)
- VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**

**SECOND READINGS OF ORDINANCES**

1. The City Council will conduct a Second Reading on a proposal to amend Chapter 2 of the Old Town Code of Ordinances by establishing Division 13, titled Public Safety Direction, Section 190 to create the new position of Public Safety Director as presented in Attachment #1.

1a. The City Council will consider final approval on a proposal to amend Chapter 2 of the Old Town Code of Ordinances.

Suggested motion: Resolved, the Old Town City Council hereby approves a proposal to amend Chapter 2 of the Old Town Code of Ordinances by establishing Division 13, titled Public Safety Direction, Section 170 to create the new position of Public Safety Director as presented in Attachment #1.

(Councilor McLeod)

(Roll Call Vote)

2. The City Council will conduct a Second Reading on a proposal to create Chapter 26, Sections 1-12 titled Recreational Marijuana Prohibition Ordinance in the Old Town Code of Ordinances.

2a. The City Council will consider approval on a proposal to amend Chapter 26, Sections 1-12 titled Recreation Marijuana Prohibition.

Suggested motion: Resolved, the Old Town City Council hereby approves a proposal to create Chapter 26, Sections 1-12 titled Recreational Marijuana Prohibition Ordinance in the Old Town Code of Ordinances.

(Councilor Roach)

(Roll Call Vote)

**IX. OLD BUSINESS**

**X. NEW BUSINESS**

1. The City Council will consider accepting a Safety Enhancement Grant from the Maine Municipal Association to be used exclusively for purchasing twelve SCBA Face pieces for the Fire Department as recommended by the Finance Committee.

Suggested motion: Resolved, the Old Town City Council hereby accepts a Safety Enhancement Grant in the amount of \$1,984 from the Maine Municipal Association to be used exclusively for purchasing twelve SCBA Face pieces for the Fire Department as recommended by the Finance Committee. The total cost is \$2,976 with a city match of \$992.00 which is to come out of Account #7200-0350 Grant Match.

2. The City Council will consider appropriating \$25,000 from Fund Balance to fix the Traffic Lights in front of the Hannaford Plaza.

Suggested motion: Resolved, the Old Town City Council approves appropriating \$25,000 from Account #03800 Fund Balance to fix the Traffic Lights in front of the Hannaford Plaza as recommended by the Finance Committee.

3. The City Council will consider accepting an after deadline redemption on foreclosed property for Richard L. Howard located at 43 Spring Street for payment of Real Estate Taxes and Sewer fees in the total amount of \$6,234.70.

Suggested motion: Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Richard L. Howard located at 43 Spring Street for payment of 2014 through 3/31/2017 Sewer fees in the amount of \$1,663.66 and 2016-2017 RE taxes in the amount of \$4,136.11 plus \$150 Late Redemption fee for a total amount of \$6,234.70 which includes interest and lien costs and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

4. The City Council will consider approving a Resolution for PNC Equipment Finance, LLC for procuring financing for a new Fire Truck.

Suggested motion: Resolved, the Old Town City Council hereby approves a Resolution for PNC Equipment Finance, LLC for procuring financing for a new Fire Truck.

(Councilor Peterson)

5. The City Council will consider renewing the Legal Services Contract with Rudman and Winchell for legal services for the 2017-2018 Fiscal Year.

Suggested motion: Resolved, the Old Town City Council hereby renews the Legal Services Contract with Rudman and Winchell for legal services for the 2017-2018 Fiscal Year effective July 1, 2017 to June 30, 2018.

(Councilor May)

6. The City Council will consider going into Executive Session for the purpose of discussing an economic development update 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 update relating to the Expera Mill.

(Councilor Klitch)

## **XI. ADJOURNMENT**



## REGULAR COUNCIL MEETING – JUNE 5, 2017

Council convened June 5, 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. Councilor Linda McLeod arrived at 7:02 p.m.

Administration present: Bill Mayo, John Hamer, Patty Brochu, Danielle Berube, Lance Farrar, Ron Harriman, Cindy Jennings, Steve O’Malley, John Rouleau, Travis Roy and David Russell, David Smith and Scott Wilcox.

Others present: 17 citizens in the audience.

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

Councilor Klitch, seconded by Councilor Nuttall, moved to approve the Minutes of the May 1, 2017 and Regular Council Meeting. *Approved all in favor, 6-0.*

### COMMUNICATIONS

Dick Andron from Hirundo Wildlife Refuge gave an overview of upcoming events. He said there is a big canoe trip event scheduled for July 8<sup>th</sup> and they will go around the islands in the Greenbush area.

Students from the Old Town High School gave a power point presentation on their Storm Water findings from their work in the forest next to the High School. Those presenting along with their teacher Ed Linley were Madison Hall, Allison Smart, Cassidy Ammerman, Eleanor Brain, Tabitha Bell and Megan Grindle.

### REPORTS

Councilor Klitch reported the piano is ready to go to the park; she also reported on the UDAG Program and noted that one person is 6 months behind in payments.

Manager Mayo: 1) There is a Penta Meeting next Wednesday; 2) the Legislature said they would have State budgets printed by June 19<sup>th</sup>; 3) Regarding the request to take over Maple Grove Cemetery, he has the City Attorney working on a Title Search before the city makes any decisions; 4) the application on the JRL expansion will be coming soon.

## **CONSENT AGENDA**

Councilor Nuttall, 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 approves an application from Cindy Jennings, Director of the Old Town Public library, for a Major Special Event Permit for the Summer Concert Series to be held weekly in the Riverfront Park in July and August 2017 and to waive the Permit fee.

Item #2: Resolved, the Old Town City Council hereby approves an application from Alisha Ryder on behalf of Old Town Cub Scout Pack 76 for a Minor Event Permit for Cub Scout Activities to be held at Sewall Park on July 15, 2017 to July 16, 2017 to allow overnight camping and to waive the \$25.00 fee.

Item #3: Resolved, the Old Town City Council hereby appoints Kasey Legaard to fill a vacancy on the Old Town Orono Fiber Corporation Board with a term to expire October 1, 2018.

Item #4: Resolved, the Old Town City Council hereby authorizes the City Manager to submit a Corporate Authorization Resolution to Peoples United Bank that lists the specific city staff along with their designated powers to execute day-to-day financial transactions with Peoples United Bank in their capacity as a City official relative to their respective job requirements.

***Consent agenda items approved all in favor, 7-0.***

## **PUBLIC HEARINGS**

The Old Town City Council conducted a Public hearing on the proposed FY 2017-2018 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$10,035,357, Penobscot County Taxes of \$627,134 and RSU #34 expenditures of \$5,559,615 for a total City, County and RSU #34 Budget of \$16,222,106 with total City revenue of \$6,099,643 for a net property tax requirement of \$10,122,463.

President Mahan opened the hearing and reported the University had postponed their decision regarding the progress at the Mill.

Manager Mayo passed out estimated Mil Rate Calculations. He has found some increases in revenues and deductions he found in expenditures bringing the budget increase to 6%.

President Mahan thinks there can be an additional cut of \$100,000 without taking any monies from reserves.

After further discussions, President Mahan closed the hearing at 8:33 p.m.

The City Council considered scheduling a Second Reading for final approval on the FY 2017-2018 Municipal, County and School Budgets.

Councilor Peterson, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 19, 2017 for final approval on the proposed FY 2017-2018 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$10,035,357, Penobscot County Taxes of \$627,134 and RSU #34 expenditures of \$5,559,615 for a total City, County and RSU #34 Budget of \$16,222,106 with total City revenue of \$6,099,643 for a net property tax requirement of \$10,122,463. **Approved all in favor, 7-0.**

The Old Town City Council conducted a Public Hearing on the proposed FY 2017-2018 Pollution Control Budget containing gross appropriations of \$5,154,969, user fee revenue of \$4,125,800, debt redemption of \$405,697 and anticipated transfers from reserve accounts of \$435,000 with a net appropriation to/(from) Fund Balance of (\$188,472).

President Mahan opened the hearing at 8:33 p.m. Manager Mayo reported there haven't been any further changes since the May meeting.

President Mahan closed the hearing at 8:37 p.m.

The City Council considered scheduling a Second Reading for final approval on the FY 2017-2018 Pollution Control Budget.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 19, 2017 on the Proposed FY 2017-2018 Pollution Control Budget containing gross appropriations of \$5,154,969, user fee revenue of \$4,125,800, debt redemption of \$405,697 and anticipated transfers from reserve accounts of \$435,000 with a net appropriation to/ (from) Fund Balance of (\$188,472). **Approved all in favor, 7-0.**

### **NEW BUSINESS**

The Councilors reviewed the proposed Recreational Marijuana Prohibition Ordinance and had no questions.

Councilor May, seconded by Councilor Klitch, moved to Suspend the Rules to take up an item not on the agenda. **Approved all in favor, 7-0.**

The City Council considered accepting an after deadline redemption on foreclosed property for Kaja Holdings 2, LLC located at 113 Lincoln Street for payment of Real Estate Taxes and Sewer fees in the total amount of \$2,119.12.

Councilor McLeod, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Kaja Holdings 2, LLC located at 113 Lincoln Street for payment of 2014 through 2017 Sewer fees in the amount of \$1,159.53 and 2017 RE taxes in the amount of \$724.30 plus \$150 Late Redemption fee for a total amount of \$2,119.12 which includes interest and lien costs and further authorize the City Manager to execute a Municipal Quit-Claim Deed. **Approved all in favor, 7-0.**

Councilor May, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves going into Executive Session at 8:43 p.m. pursuant to MRSA Title 405, Section (6)(A) for the purpose of discussing a Personnel matter. **Approved all in favor, 7-0.**

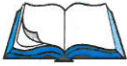
Councilor Peterson, seconded by Councilor McLeod, moved to come out of Executive Session at 9:03 p.m. **Approved all in favor, 7-0.**

Councilor Peterson, seconded by Councilor May, moved to approve an increase of \$5,000 to the City Manager's Salary. **Approved 6-1. Councilor McLeod opposed.**

Councilor Nuttall, seconded by Councilor Roach, moved to adjourn at 7:35 p.m. **Approved all in favor, 7-0.**

Adjourned,

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



## SPECIAL COUNCIL MEETING – JUNE 19, 2017

Council convened June 19, 2017 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 Eric Roach. Stan Peterson absent.

Administration present: Bill Mayo, Ed Bearor, Danielle Berube, Patty Brochu, Lance Farrar, Ron Harriman, Cindy Jennings, Steve O'Malley, John Rouleau, Travis Roy, David Russell, David Smith Scott Wilcox and several other employees.

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Council President Mahan called the meeting to order at 6:38 p.m.

Councilor McLeod, seconded by Councilor Klitch, moved to approve the Minutes of the May 15, 2017 Special Council Meeting. **Approved all in favor, 6-0**

### **REPORTS**

President Mahan had Travis Roy report on the Girls & Boys State finals. Travis said the girls won the State Softball final 2-0 and the boys lost the State Baseball final 3-2.

Attorney Bearor reported that he and Manager Mayo have been working on Mr. Mitchell's property law suit. He also reported that the State Property Tax Division approved in the city's favor but Expera has filed another appeal.

Manager Mayo reported on construction and Center Street is still closed and will be for the rest of the week, they will then move to Stillwater Avenue.

### **CONSENT AGENDA**

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

Item #1: Resolved, the Old Town City Council hereby approves an application from Penobscot Nation for a Major Event Permit for the Penobscot River Whitewater Nationals Regatta to be held in the Riverfront Park from June 28, 2017 to July 2, 2017 and to waive the Permit fee.

Item #2: Resolved, the Old Town City Council hereby authorizes the Finance Director to write off a Sewer Lien in the amount of \$310.47 which includes Lien costs and interest for Old Town Holdings 1, LLC due to the company going bankrupt.

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

## **PUBLIC HEARINGS**

The City Council conducted a Public Hearing on a proposal to amend Chapter 2 of the Old Town Code of Ordinances by establishing Division 13, titled Public Safety Direction, Section 190 to create the new position of Public Safety Director as presented in Attachment #1.

There being no comments, President Mahan closed the hearing.

The City Council considered scheduling a Second Reading for final approval on a proposal to amend Chapter 2 of the Old Town Code of Ordinances.

Councilor McLeod, seconded by Councilor May, Resolved, the Old Town City Council hereby schedules a Second Reading for final approval for July 17, 2017 on a proposal to amend Chapter 2 of the Old Tow Code of Ordinances by establishing Division 13, titled Public Safety Direction, Section 170 to create the new position of Public Safety Director as presented in Attachment #1. **Approved all in favor, 6-0**

The City Council conducted a Public Hearing on a proposal to create Chapter 26, Sections 1-12 titled Recreational Marijuana Prohibition Ordinance in the Old Town Code of Ordinances.

There being no comments, President Mahan closed the hearing.

The City Council considered scheduling a Second Reading for final approval on a proposal to amend Chapter 26, Sections 1-12 titled Recreation Marijuana Prohibition.

Councilor Roach, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby schedules a Second Reading for final approval for July 17, 2017 on a proposal to create Chapter 26, Sections 1-12 titled Recreational Marijuana Prohibition Ordinance in the Old Town Code of Ordinances. **Approved all in favor, 6-0.**

## **SECOND READINGS**

The Old Town City Council conducted a Second Reading on the proposed FY 2017-2018 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$10,035,357, Penobscot County Taxes of \$627,134 and RSU #34 expenditures of \$5,559,615 for a total City, County and RSU #34 Budget of \$16,222,106 with total City revenue of \$6,099,643 for a net property tax requirement of \$10,122,463.

Manager Mayo explained changes of what was added in and then looked at the reserve accounts. He said the budget has ended up at a 2.8% increase. President Mahan asked about the State Budget and if it would have any effect on the City's budget. Manager Mayo replied that the city's budget as presented is prepared for the worst case scenario and the State's Budget will not affect it either way.

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

The Old Town City Council considered final approval on the FY 2017-2018 Municipal, County and School Budgets.

Councilor Nuttall, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves the proposed FY 2017-2018 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$10,035,357, Penobscot County Taxes of \$627,134 and RSU #34 expenditures of \$5,559,615 for a total City, County and RSU #34 Budget of \$16,222,106 with total City revenue of \$6,099,643 for a net property tax requirement of \$10,122,463.

Councilor May, seconded by Councilor McLeod, moved to amend the motion, Resolved, the Old Town City Council hereby approves the proposed FY 2017-2018 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$ 9,996,200, Penobscot County Taxes of \$627,134 and RSU #34 expenditures of \$5,559,615 for a total City, County and RSU #34 Budget of \$16,182,949 with total City revenue of \$6,169,643 for a net property tax requirement of \$10,013,306.

**Roll Call Vote:**

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

**Motion approved 6-0.**

Vote on the original motion as amended.

**Roll Call Vote:**

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

**Motion approved 6-0.**

The Old Town City Council conducted a Second Reading on the proposed FY 2017-2018 Pollution Control Budget containing gross appropriations of \$5,154,969, user fee revenue of \$4,125,800, debt redemption of \$405,697 and anticipated transfers from reserve accounts of \$435,000 with a net appropriation to/(from) Fund Balance of (\$188,472).



Manager Mayo said the two biggest changes in the budget are the 5% rate increase and an added asset line item. Superintendent Smith said there will be a 5% increase next year and possible the year after.

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

The Old Town City Council considered final approval on the FY 2017-2018 Pollution Control Budget.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves the Proposed FY 2017-2018 Pollution Control Budget containing gross appropriations of \$5,154,969, user fee revenue of \$4,125,800, debt redemption of \$405,697 and anticipated transfers from reserve accounts of \$435,000 with a net appropriation to/(from) Fund Balance of (\$188,472).

**Roll Call Vote:**

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

**Motion approved 6-0.**

**NEW BUSINESS**

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

Councilor May, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:03 p.m. pursuant to MRSA Title 405, Section (6)(C) for the purpose of discussing an economic development update relating to the Expera Mill. **Approved all in favor, 6-0.**

Councilor McLeod, seconded by Councilor Nuttall, moved to come out of Executive Session at 7:29 p.m. **Approved all in favor, 6-0.**

Councilor Roach, seconded by Councilor May, moved to adjourn at 7:29 p.m. **Approved all in favor, 6-0.**

Adjourned,

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

## RESOLUTION

Municipality/Lessee: \_\_\_\_\_

Principal Amount Expected To Be Financed        \$ \_\_\_\_\_

WHEREAS, the Municipality is a political subdivision of the State in which Municipality is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Municipality ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Municipality.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Master Lease-Purchase Agreements ("Leases") in the principal amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Leases is appropriate and necessary to the functions and operations of the Municipality

WHEREAS, PNC Equipment Finance, LLC ("Lessor") shall act as Lessor under said Leases.

**NOW**, THEREFORE, Be It Ordained by the Governing Body of the Municipality:

Section 1. Either one of the \_\_\_\_\_ OR \_\_\_\_\_ (each an "Authorized Representative") acting on behalf of the Municipality, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Municipality. Each Authorized Representative acting on behalf of the Municipality is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Municipality to execute and deliver agreements and documents relating to the Leases on behalf of the Municipality

Section 3. The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the Municipality as set forth therein.

Section 4. The Municipality's obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Municipality's obligations under the Leases shall not constitute general obligations of the Municipality or indebtedness under the Constitution or laws of the State.

Section 5. As to each Lease, the Municipality reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the current calendar year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this \_\_\_\_\_, 2017.

The undersigned Secretary /Clerk of the above-named Municipality hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the Municipality, that the foregoing resolutions were duly adopted by said Governing Body of the Municipality at a meeting of said Governing Body and that such resolutions have not been amended or altered and are in full force and effect on the date stated below.

LESSEE: \_\_\_\_\_

\_\_\_\_\_  
Signature of Secretary/Clerk of Municipality

[SEAL]

Print Name: \_\_\_\_\_

Official Title: \_\_\_\_\_

Date: \_\_\_\_\_

July 5, 2017

William J. Mayo, City Manager  
City of Old Town  
265 Main Street  
Old Town, Maine 04468

**Re: Legal Representation**

Dear Bill:

This letter is to confirm that Rudman Winchell will continue to represent the City of Old Town chief legal advisor and general counsel for the City's FY 2017 (July 1, 2017 – June 30, 2018), and to set forth the terms of our firm's engagement.

**Staffing**

I will be primarily responsible for the legal services to be provided under this agreement, and anticipate that I will hold the appointment as Old Town's City Attorney under Article V, section 1(a) of the City Charter. I will be assisted by Katie Foster and by John Hamer of Rudman Winchell's municipal law practice group. Other Rudman Winchell lawyers and legal assistants may also provide services in particular matters.

**Fees for Services**

To help us determine the value of our services, our lawyers and legal assistants maintain time records. All attorneys and legal assistants are assigned hourly rates, which are adjusted from time to time and may change during the course of engagement. Rudman Winchell's current billing rate for municipal general counsel services is \$185.00 per hour. This rate will be maintained through June 30, 2018.

Our current billing rate for paralegal services, when required, is \$140.00 per hour.

Our fees will be based on the hourly rate of each professional who provides services in this matter, applied to the amount of time devoted to this matter by each professional. Time entries are recorded by billing units of one-tenth of an hour and therefore may vary up or down slightly from actual elapsed time.

We have agreed that our charge for attorney attendance at regular and special meetings of the Old Town City Council will be capped at \$200.00 per meeting, regardless of the actual time of attendance.

### **Travel Expenses**

Our normal practice is to bill for all time required for travel on client business at the normal hourly rate of the attorney or professional concerned. In addition, we normally bill for employee mileage expenses at the IRS maximum employee reimbursement rate, as an out-of-pocket cost. Travel time and mileage reimbursements are based on the round-trip travel time and mileage from our Bangor office to the location concerned.

However, for purposes of this engagement, we have agreed that Rudman Winchell will not bill for travel time or mileage for attendance at City Council meetings or other meetings held within the City of Old Town. All other travel on City of Old Town legal business will be billed in accordance with the firm's normal policy as described above.

### **Disbursements and Expenses**

In addition to our fees for legal services, we also will charge separately for out-of-pocket expense disbursements, including court filing and recording fees; sheriff's service in court cases; postage and other communication costs; printing and photocopying (\$0.25 per copy), document retrieval; support staff overtime when authorized by you or required by the matter's timing; computer research facilities; court reporters; and other costs or expenses incurred on your behalf. In some cases you will be asked to pay for these expenses directly. Where our law firm pays the expenses, these expenses will be billed to you for our reimbursement. All such charges are billed on a pass-through basis, without an additional charge or mark-up by our firm. Our regular billing statements will identify any such costs for you. We do not bill for telephone or fax usage.

### **Billing and Payment**

Our practice is to send a periodic statement for services rendered during the previous period and for disbursements incurred on your behalf. The detail in the periodic statements will inform you both of the nature and progress of work and of the fees and disbursements incurred.

While we do our best to ensure that our clients are satisfied with both our services and with the reasonableness of the fees charged, if you have any questions regarding a statement or regarding the basis of our fees, please feel free to raise such a question promptly. If you question only a portion of a statement, we ask that you pay the remainder, which will not constitute a waiver of any question or objection you may have.

Our fee structure is based on the premise that all statements are due and payable upon receipt. If your payments are significantly delayed beyond the due date, we reserve the right to charge a late payment charge of 1.5% per month on the unpaid balance from the due date until the date

William J. Mayo, City Manager  
July 5, 2017  
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payment is received. If you do not meet the obligation of timely payment under this agreement, we reserve the right to withdraw from our representation on that basis alone, subject of course to any required judicial approval or agency notification.

### **Termination of Engagement**

You may terminate this engagement at any time by written notice to this office. Upon receiving such notice, subject to any required court approval, we will promptly cease providing any services to you.

We may terminate this engagement at any time by giving you written notice, subject to any required court approval. If you do not meet the obligation of timely payment under this agreement, we reserve the right to withdraw from our representation on that basis alone, subject to any required court approval.

Upon termination of our representation, you will be responsible for paying for our fees and disbursements up to the time of termination and for any reasonable services that we provide in connection with transfer of responsibility for this matter to new counsel.

### **File Retention**

Our firm as a matter of standard procedure retains closed files for a period of eight years. If, once this matter is closed, we have in our file materials or property that you wish returned to you, please notify us and we will make arrangements to return the file or the requested materials or property to you.

### **Nature of Relationship**

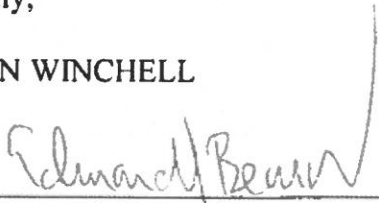
The attorney-client relationship is one of mutual trust and confidence. If you have any questions at all concerning the provisions of this agreement, we invite your inquiries.

We look forward to serving you. Please sign the enclosed copy of this letter where indicated and return it to me in the enclosed envelope so that our work for you may continue.

Yours truly,

RUDMAN WINCHELL

By:

  
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Edmond J. Beard, Esq.  
Managing Partner

Enclosure

{R1794481 | 51731-064292 }

William J. Mayo, City Manager  
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I have fully read this letter, and on behalf of the City of Old Town, I understand, agree to, and accept the terms set forth above.

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Date

William J. Mayo  
City Manager  
City of Old Town, Maine