



JUNE 19, 2017
MONDAY
6:30 P.M.

CITY OF OLD TOWN FINANCE COMMITTEE AGENDA

City Hall-Council Chambers, 2nd Floor
265 Main Street-Old Town, ME

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

2. **Fire Department Grant**

The Fire Department has received a Safety Enhancement Grant from Maine Municipal Association to be used exclusively for purchasing twelve SCBA Facepieces. The grant covers two-thirds of the cost but not to exceed \$1,984. The total cost of the SCBA Facepieces is \$2,976.00 will require a city match of \$992.00. Chief O'Malley is looking for a recommendation to the full Council to accept the Grant funds.

3. **Traffic Lights**

Police Chief Scott Wilcox is looking for a recommendation to the full Council to expend an amount not to exceed \$25,000 to fix the Traffic Lights in front of Hannaford. The funds will need to come from account #03800 Fund Balance.

4. **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.



MAINE MUNICIPAL ASSOCIATION

Risk Management Services

60 Community Drive
PO Box 9109
Augusta, Maine 04332-9109

Telephone No.
(207) 626-5583
(800) 590-5583 Maine Only
RMS Fax (207) 626-0513
Fax (207) 624-0127

May 31, 2017

Stephen O'Malley
City of Old Town
265 Main St
Old Town, ME 04468

RE: Safety Enhancement Grant Application for May 2017

Dear Chief O'Malley:

The selection committee has reviewed your application and is pleased to approve your request. This grant is to be used exclusively for purchasing of twelve SCBA Facepieces, as stated in your application.

The grant is intended to cover two-thirds of your cost up to, but not exceeding \$1,984. When your project is complete, please send us proof of payment (cancelled check, treasurer's warrant, "paid" stamped invoice, etc.) so that reimbursement can be made. The grant must be used within one year from the date of this letter or it will be withdrawn.

We have enclosed a press release that may be used to announce your Safety Enhancement Grant to your community. If you have any questions, please call Jennette Holt at 624-0140 or contact me directly at 624-0165. Congratulations on your grant! We appreciate your interest in workplace safety.

Sincerely,

Donald Vickery
Loss Control Manager

Enclosed: Draft Press Release

cc: William Mayo

FIRE TECH & SAFETY OF NEW ENGLAND, INC.
 PO Box 435
 84A Route 133
 Winthrop, ME 04364-0435
 1-800-331-7900 Fax (207) 377-6260



Quote

Date	Quote #
4/24/2017	4506

Name / Address
OLD TOWN FIRE DEPT-ME 150 BRUNSWICK STREET OLD TOWN, ME 04468



Rep
NW

Item	Qty	Description	Unit Price	Total
201215-02 COSTSHIP	12	SCOTT AV3000 HT FACEPIECE, MEDIUM SHIPPING AND HANDLING INCLUDED IN PRICE	248.00 0.00	2,976.00 0.00
			Total	\$2,976.00



JUNE 19, 2017
MONDAY
Immediately following the Finance Comm. 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 of the May 15, 2017 Special 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)**

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

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

PUBLIC HEARINGS

1. The City Council will conduct 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.
- 1a. The City Council will consider scheduling a Second Reading for 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 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.

(Councilor McLeod)

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

Suggested motion: 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.

(Councilor Roach)

SECOND READINGS

1. The Old Town City Council will conduct 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.
- 1a. The Old Town City Council will consider final approval on the FY 2017-2018 Municipal, County and School Budgets.

Suggested 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 \$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 Nuttall)

(Roll Call Vote)

2. The Old Town City Council will conduct 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).
- 2a. The Old Town City Council will consider final approval on the FY 2017-2018 Pollution Control Budget.

Suggested motion: 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).

(Councilor May)

(Roll Call Vote)

IX. OLD BUSINESS

X. NEW BUSINESS

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

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

2. The City Council will consider writing off a Sewer Lien in the amount of \$310.47 for Old Town Holdings 1, LLC due to the company going bankrupt.

Suggested motion: 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.

3. 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 May)

XI. ADJOURNMENT



SPECIAL COUNCIL MEETING – MAY 15, 2017

Council convened May 15, 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, Eric Roach and Stan Peterson.

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

Council President Mahan called the meeting to order at 5:00 p.m.

NEW BUSINESS

The City Council considered approval of an Extension of Liquor License on Premise Permit for the Old Town Elks Lodge to hold a Golf Tournament and Pig Roast be held June, 2017 outside of the Elks Building in a fenced enclosed area.

Councilor Klitch, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves an Extension of Liquor License on Premise Permit for the Old Town Elks Lodge to hold a Golf Tournament and Pig Roast be held June, 2017 outside of the Elks Building in a fenced enclosed area. **Approved all in favor, 7-0.**

Councilor Klitch, seconded by Councilor Nuttall, moved to adjourn at 5:08 p.m. **Approved all in favor, 7-0.**

Adjourned,

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

CHAPTER 2 – ADMINISTRATION

DIVISION 15. PUBLIC SAFETY DIRECTOR

Sec. 2-190 Office Created; appointment; general responsibilities.

There shall be an officer of the city entitled Public Safety Director. Such officer shall be appointed by the City Manager, and shall be responsible for the administration of both the Fire Department and the Police Department as established in Chapter 7, ARTICLE III and Chapter 19, ARTICLE II, respectively, of the Code of Ordinances of the City of Old Town. The Public Safety Director shall be the Chief of the Fire Department, and shall have the authority and shall be responsible for the performance of the Fire Chief's duties as provided in Section 7-30 of the Old Town Code of Ordinances and as otherwise provided by State or local law. The Public Safety Director shall also be the Chief of the Police Department, and shall have the authority and shall be responsible for the performance of the Police Chief's duties as provided in Section 19-25 of the Old Town Code of Ordinances and as otherwise provided by State or local law.

CHAPTER 26

RECREATIONAL MARIJUANA PROHIBITION ORDINANCE

- Section 1. Title.** This ordinance shall be known and cited as the “Recreational Marijuana Prohibition Ordinance” of the City of Old Town.
- Section 2. Authority.** The ordinance is adopted pursuant to the Title 30-A M.R.S. §3001 and Title 7 M.R.S. c. 417.
- Section 3. Purpose and Intent.** The purpose of this ordinance is to impose a ban on the operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs in the City of Old Town to protect the health, safety, and welfare of the people of Old Town as these activities constitute a nuisance.
- Section 4. Prohibition.** The operation of Retail Marijuana Establishments which includes Retail Marijuana Stores, Retail Marijuana Cultivation Facilities, Retail Marijuana Products Manufacturing Facilities, and Retail Marijuana Testing Facilities; and the operation of Retail Marijuana Social Clubs are prohibited within the City of Old Town, and therefore all activities related to the abovementioned retail uses such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring, and distributing are expressly prohibited within the City of Old Town.
- Section 5. Exemptions.**
- A. Personal Use of Marijuana. This ordinance shall not be construed to prohibit the Personal Use of Marijuana per Title 7 M.R.S. c. 417 section 2452.
 - B. Medical Use of Marijuana. This ordinance shall not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act and the City of the Old Town Code of Ordinances, c. 56 Unified Development Ordinance.
- Section 6. Effective Date.** This ordinance enacted on the ___ day of _____, 2017 by the Old Town City Council shall take effect immediately upon the Maine Department of Agriculture, Conservation, and Forestry adoption of the rules for Title 7 M.R.S. c. 417.

Section 7. Relationship with Other Ordinances. Whenever a provision of this ordinance is inconsistent with another provision of any other ordinance, regulation, or statute, the more restrictive provision shall control.

Section 8. Validity and Severability. Should any section or provision of this ordinance be declared by the courts to be invalid, such a decision shall not invalidate any other section or provision of this ordinance.

Section 9. Enforcement.

A. Any duly designated Old Town Police Officer is authorized and shall have the authority to enforce all provisions of this ordinance.

B. The City Manager is authorized to order that legal action be taken to enforce the provisions of this Ordinance.

Section 10. Cease Operations Order.

A Police Officer may issue a written cease operations order directing the occupancy, use, and other activities prohibited under this ordinance to cease immediately, and that the premises be vacated. Upon notice of the cease operations order, all occupancy, use, or other activity subject to the cease operations order shall stop immediately and the premises shall be vacated and closed.

Section 11. Penalty. Any person violating the provisions of this ordinance may be liable for the penalties set forth below:

A. Civil Penalties.

i. **First Violation.** The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is \$2,500.

ii. **Multiple.** The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is \$25,000 when it is shown that there has been a previous conviction of the same person within the past five (5) years for a violation of the ordinance.

iii. **Economic Benefit.** The maximum penalty may be increased if the economic benefit resulting from the violation exceeds the applicable penalties. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

iv. **Setting of Penalty.** In setting a penalty, the following shall be considered:

- a. Prior violations by the same party;
- b. The impact caused and/or potential impact posed by the operation of the prohibited activity to the health, safety, and welfare of the people of Old Town.
- c. The damage that cannot be abated or corrected; and
- d. The extent to which the violation continued following an order to stop.

B. Abatement and Mitigation. The violator may be ordered to correct, abate or mitigate the violations.

C. Damaged Incurred. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage incurred by the City by reason of such violation.

D. Attorney Fees. If Old Town is the prevailing party, the City must be awarded reasonable attorney fees, expert witness fees and costs.

Section 12. Definitions. The definitions below are per Title 7 M.R.S. c. 417, section 2442.

Marijuana: Means cannabis.

Extraction: The process of extracting marijuana with solvents or gases.

Person: A natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. "Person" does not include any governmental organization.

Retail Marijuana: Cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail Marijuana Cultivation Facility: An entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail Marijuana Establishment: Retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail Marijuana Product: Concentrated retail marijuana and retail

ATTACHMENT #2

marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

Retail Marijuana Products Manufacturing Facility: An entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

Retail Marijuana Social Club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Retail Marijuana Store: An entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

Retail Marijuana Testing Facility: An entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.