



**SEPTEMBER 5, 2017**  
**7:00 P.M.**

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

- I. CALL TO ORDER** (Please turn off or silent cell phones)
- II. FLAG SALUTE**
- III. ROLL CALL**
- IV.** Approval of the Minutes of the August 21, 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, 4, 5, 6 & 7)**
  - Suggested motion: Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, 3, 4, 5, 6 & 7 as presented.  
(Councilor McLeod)
- VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**

## **PUBLIC HEARINGS**

1. The City Council will conduct a Public Hearing for consideration of proposed amendments to Article IX of the city Charter that would provide the City Council with authority to issue bonds for any public purpose including economic development, place a limit on the amount of bonds that may be outstanding for the purposes of making grants and loans, and make other non-substantive amendments to clarify some Charter provisions.
2. The City Council will conduct a Public Hearing on a new application for a Victualer's License (food establishment) for Muhammed Qazi, d/b/a Subway, 255 Main Street.
- 2a. The City Council will consider approval on a new application for a Victualer's License (food establishment) for Muhammed Qazi, d/b/a Subway.

Suggested motion: Resolved, the Old Town City Council hereby approves a new application for a Victualer's License (food establishment) for Muhammed Qazi, d/b/a Subway, 255 Main Street.

(Councilor Nuttall)

## **IX. OLD BUSINESS**

### **X. NEW BUSINESS**

1. The City Council will consider issuance of a Proclamation in observance of Constitution Week September 17th through 23rd.

Suggested motion: Resolved, the Old Town City Council hereby approves issuance of a Proclamation in observance of Constitution Week September 17th through 23rd, sponsored by the Old Town-Orono Esther Eayers Chapters Daughters of the American Revolution.

(Councilor Klitch)

2. The City Council will consider approval of a renewal application for a Liquor License and a Special Amusement Permit for the Old Town Knights of Columbus, 5 Gilman Falls Avenue.

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

3. The City Council will consider a Personal Property Abatement of Taxes.

Suggested motion: Resolved, the Old Town City Council hereby abates Personal Property taxes as follows:

<u>Assessed owner</u>	<u>Year</u>	<u>Amount</u>	<u>Type</u>
HP Enterprise Services LLC	2017	\$44.30	PP

4. The City Council will consider approval of a renewal application for a Liquor License and Special Amusement Permit for Off the Wagon, 18 Water Street.

Suggested motion: Resolved, the Old Town City Council hereby approves a Malt, Vinous & Spirituous Liquor License and Special Amusement Permit for James G. Dubay et al d/b/a Off the Wagon at 18 Water Street.

5. The City Council will consider a proposal from Casella to accept Bulky Waste for Spring Cleanup.

Suggested motion: Resolved, the Old Town City Council hereby approves a proposal from Casella to accept Bulky Waste at the Transfer Station for Spring Cleanup and therefore, the city will no longer pick up Bulky Waste roadside.

6. The City Council will consider accepting a bid for foreclosed property at 15 Union Street. Two bids were received but only one met the qualifications.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from Reddy & O'Brien Investments, LLC in the amount of \$20,100 as recommended by city staff.

7. The City Council will consider approval of an application from the Old Town Riverfest Committee, for a Major Special Event Permit for the Riverfest Festival to be held down at the Riverfront Park and to waive the Permit fee.

Suggested motion: Resolved, the Old Town City Council hereby approves an application from the Old Town Riverfest Committee, for a Major Special Event Permit for the Riverfest Festival to be held down at the Riverfront Park on September 29 & 30, 2017 and to waive the Permit fee.

8. The City Council will consider authorizing the City Manager to take all necessary steps to retain Tax Acquired property formerly owned by Roger

Mitchell located at 27 Front Street and on Assessor's Map 031, Lot 172 in accordance with the Policy for disposition of tax acquired property.

Suggested motion: Resolved, the Old Town City Council hereby authorizes the City Manager to take all necessary steps to retain Tax Acquired property formerly owned by Roger Mitchell located 27 Front Street and on Assessor's Map 031, Lot 172 in accordance with Chapter 5 of the Policy for disposition of tax acquired property.

(Councilor Nuttall)

9. The City Council will consider placing a proposed "2017 Amendment of the City Charter" as presented in Exhibit A for vote at a municipal secret ballot election to be held on November 7, 2017.

Suggested motion:

**ORDERED:** That, a public hearing having been advertised and held in accordance with 30-A M.R.S.A. §2014(5), the proposed "2017 Amendment of the City Charter" presented before said public hearing and presented in Exhibit A be placed for vote at a municipal secret ballot election to be held on November 7, 2017.

**ORDERED:** That, such proposed "2017 Amendment of the City Charter" presented in Exhibit A and a letter from Preti Flaherty, the City's bond counsel, regarding legality of the proposed "2017 Amendment of the City Charter" and presented at this meeting, be filed with the Clerk.

**ORDERED:** That, if the proposed "2017 Amendment of the City Charter" is approved by City voters on November 7, 2017, such amendment shall take effect on November 8, 2017.

**ORDERED:** That the Clerk is hereby directed to take any and all actions necessary to prepare for the November 7, 2017 election.

(Councilor Roach)

10. The City Council will consider going into Executive Session for the purpose of discussing a Personnel matter.

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 a Personnel matter.

(Councilor May)

## XI. ADJOURNMENT



## SPECIAL COUNCIL MEETING – AUGUST 21, 2017

Council convened August 21, 2017 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Ed Bearor, Danielle Berube, Patty Brochu, Ron Harriman, Cindy Jennings, John Rouleau, Travis Roy.

Others present: Two citizens in the audience

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Council President Mahan called the meeting to order at 6:30 p.m.

Councilor Klitch, seconded by Councilor Peterson, moved to approve the Minutes of the August 7, 2017 Regular Council Meeting. ***Approved all in favor, 5-0.***

### **PETITIONS, COMMUNICATIONS AND CITIZENS' REQUESTS**

Elm Street resident Ed Willy addressed the council concerning the dangers and need of improvements to the intersection of Center & Elm Streets. He stated that drivers are not stopping for the crosswalk or if a vehicle is turning onto Elm Street, people are passing on the right. He suggested a speed bump but realizes that will be problematic in the winter time. He passed around photos of different types of speed bumps and signs that can be placed in the center of the road. Mr. Willy was informed that Center Street is a State owned road and the State would need to be consulted as to what is allowed to be placed there.

### **REPORTS**

Councilor McLeod reported that she had an opportunity to listen to the Council Meetings on the government channel and stated the volume in very low and sometimes nothing can be heard. She would like the City Manager to look into the problem.

Attorney Bearor reported various possibilities of getting rid of derelict properties; he's ready to file a land use violation for property on Front Street and lastly he's working on the city's response to Expera's Tax Appeal.

Manager Mayo reported he's working on requests for proposals on Ransom and that Ron Harriman sent out guidelines to businesses wanting grant monies.

## **NEW BUSINESS**

The City Council considered discussing a proposed “2017 Amendment of the City Charter” as presented in Exhibit A and consider scheduling a Public Hearing for September 5, 2017.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby orders the City Clerk to provide the required statutory publication of notice of a Public Hearing to be held September 5, 2017 regarding the proposed “2017 Amendment of the City Charter” that is presented in Exhibit A with the agenda at the August 21, 2017 Special Council meeting.

President Mahan explained there will be more discussion on September 5<sup>th</sup> but this will essentially help the Council move forward with economic development at the mill site.

Attorney Jamie Pitney stated the Council needs to complete the dollar amount the Council wants to extend on Section 7-A Loans and Grants.

The Council consensus was an amount not to exceed \$4 million.

**Motion approved 4-1. Councilor Peterson opposed.**

The City Council considered extending the due for the 2017 Real Estate and Personal Property Taxes.

Resolved, the Old Town City Council hereby extends the due date for the 2017 Real Estate and Personal Property Taxes from September 13, 2017 to October 4 2017 and shall commence bearing interest on October 5, 2017. **Approved all in favor, 5-0.**

The City Council considered entering into a Purchase and Sale Agreement for property located on Penny Road, Tax Map 13, Lot 3-A.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves entering into a Purchase and Sale Agreement for property located on Penny Road, Tax Map 13, Lot 3-A and further authorizes the City Manager to execute all necessary documents to complete the transaction. **Approved all in favor, 5-0.**

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 Klitch, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:21 p.m. pursuant to Title I MRSA Section 405, §(6) (C) for the purpose of discussing an economic development update relating to the Expera Mill. **Approved all in favor, 5-0.**

Councilor Peterson, seconded by Councilor Klitch, moved to come out of Executive Session at 7:42 p.m. **Approved all in favor, 5-0.**

Councilor May, seconded by Councilor McLeod, moved to adjourn at 7:42 p.m. **Approved all in favor, 5-0.**

Adjourned,

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



EXHIBIT A

City of Old Town, Maine  
2017 Amendment of the City Charter

Part 1. Article IX of the Charter of the City of Old Town, as enacted by Chapter 49 of the 1945 Private and Special Laws of Maine, as amended, is further amended by revising sections 7 and 8 and by adding a new section 7-A as follows (overstruck text will be deleted and underlined text will be added):

**Sec. 7. Borrowing.**

The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of section 8 and section 9 of Article IX of this charter. The credit of the city shall in no manner be loaned to any individual, association or corporation **except to the extent set forth in section 7-A of Article IX of this charter.**

**Sec. 7-A. Loans and grants.**

**Bonds, which are issued in accordance with section 8 of Article IX of this charter for the public purpose of economic development and the proceeds of which are used to make any grant or loan to any individual, association, corporation or other entity in accordance with such terms as may be approved by order of the city council, shall at no time be outstanding in an aggregate principal amount which exceeds \$4,000,000.**

**Sec. 8. Bond issue.**

Money may be borrowed ~~within the limits fixed by~~ **in accordance with** the constitution and statutes of the state now or hereafter applying to ~~said~~ Old Town by the issue and sale of bonds or notes pledged on the credit of the city, **or on the revenues and assets of the projects financed with the proceeds of any such borrowing, or on the revenues of the City specified by order of the city council,** the proceeds to be used for ~~the payment of indebtedness of~~ **any public purpose determined by** the city ~~contracted~~ **council, including** for the acquisition of land, the construction and equipment of buildings, the construction of streets and roads, and other permanent public improvements, ~~and~~ **for economic development to the extent determined by the city council to serve a public purpose, and for** the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in two (2) public places in the City of Old Town, and publishing said notice in at least two (2) newspapers published in said Penobscot County at least two (2) weeks before the final action by the city council, and the approval of a majority of all the members of the city council. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued ~~in payment of indebtedness incurred for a permanent improvement~~ **for the purpose of financing a capital asset,** the term of such bonds shall not exceed the estimated period of utility of said ~~improvement~~ **asset** but the declaration of the city council embodied in the order authorizing the issue shall be a conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed thirty (30) years. Bonds issued after the adoption of this charter shall be made payable in equal, annual, serial installments as pertains to principal, and interest shall be made payable semiannually, **provided that principal installments of bonds issued for economic development purposes need only be in amounts consistent with state law.** Every order for the issue of bonds shall provide for a ~~tax~~ **levy of taxes, an appropriation of revenues or both** for each year of an amount necessary ~~to meet~~ **for** the payment of the annual, serial installment of principal and interest; and such amounts shall be included in the tax levy for each year until the debt is extinguished; provided, however, that **the**



EXHIBIT A

provisions for payment of any bonds of the city issued to refund any indebtedness of the City of Old Town existing prior to the adoption of the 2017 amendment of this section 8 of Article IX of this charter or bonds issued to refund such bonds shall not be subject to the aforesaid requirement of being made payable in equal, annual, serial installments shall not be altered by such 2017 amendment.

Part 2. If the amendment set forth in Part 1 hereof is approved by City voters on November 7, 2017, such amendment shall take effect on November 8, 2017.

**OLD TOWN-ORONO ESTHER EAYRES CHAPTER  
DAUGHTERS OF THE AMERICAN REVOLUTION**

**PROCLAMATION**

*WHEREAS, Our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and*

*WHEREAS, It is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support, preserve and defend it against all encroachment; and*

*WHEREAS, The two hundred and thirtieth anniversary of the Signing of the Constitution provides an historic opportunity for all Americans to realize the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities it affords, and*

*WHEREAS, The independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23 as designated by proclamation of the President of the United States of America in accordance with Public Law 915,*

*THEREFORE, I, David Mahan, by virtue of the authority vested in me as President of the City Council of the City of Old Town, Maine, do hereby proclaim the week of September 17 through 23 as **CONSTITUTION WEEK** in the State of Maine and urge all our citizens to reflect during that week on the many benefits of our Federal Constitution and American Citizenship.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed at Old Town this fifth day of September, the year of our Lord two thousand seventeen and the Independence of the United States of America, the two hundred and thirtieth.*

**ATTEST:**

**OLD TOWN CITY COUNCIL**

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Patricia A. Brochu  
CITY CLERK

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David Mahan  
PRESIDENT

**Patty Brochu**

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**From:** Travis Roy  
**Sent:** Monday, August 28, 2017 9:58 AM  
**To:** Patty Brochu  
**Cc:** Bill Mayo  
**Subject:** Council agenda item - accepting bid for 15 Union Street

Patty,

Please add acceptance of the bid for 15 union street to the next council agenda.

Minimum BID was advertised as \$15,000.

Minimum Bid covers all back taxes, sewer and fees.

Bids closed on 08/25/2017.

2 bids received;

- 1) Reddy & O'Brien Investments, LLC Bid \$20,100
- 2) Derek King Bid \$11,000

Reddy & O'Brien is the only qualifying bid, and staff recommends acceptance.

Travis