

**JUNE 4, 2018
7:00 P.M.**



**AGENDA
REGULAR COUNCIL MEETING
City Council Chambers, 2nd 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 May 7, 2018 Regular Council Meeting and the April 17, 2018 and May 21, 2018 Special Council Meetings.

V. PETITIONS, COMMUNICATIONS AND CITIZENS' REQUESTS

Students from the Old Town High School will present a summary of findings for the Watershed Project they have been working on.

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 Nuttall)

VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

1. The Old Town City Council will conduct a Public hearing on the proposed FY 2018-2019 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$10,320,100, Penobscot County Taxes of \$653,134 and RSU #34 expenditures of \$5,202,655 for a total City, County and RSU #34 Budget of \$16,175,889 with total City revenue of \$6,468,276 for a net property tax requirement of \$9,707,613.
- 1a. The Old Town City Council will consider scheduling a Second Reading for final approval on the FY 2018-2019 Municipal, County and School Budgets.

Suggested motion: Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 21, 2018 for final approval on the proposed FY 2018-2019 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$10,320,100, Penobscot County Taxes of \$653,134 and RSU #34 expenditures of \$5,202,655 for a total City, County and RSU #34 Budget of \$16,175,889 with total City revenue of \$6,468,276 for a net property tax requirement of \$9,707,613.

(Councilor Peterson)

2. The Old Town City Council will conduct a Public Hearing on the proposed FY 2018-2019 Pollution Control Budget containing gross appropriations of \$2,097,673, user fee revenue of \$768,595, debt redemption of \$535,860 and anticipated transfers from reserve accounts of \$644,716 with a net appropriation from Fund Balance of \$148,502.
- 2a. The Old Town City Council will consider scheduling a Second Reading for final approval on the FY 2018-2019 Pollution Control Budget.

Suggested motion: Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 21, 2018 on the Proposed FY 2018-2019 Pollution Control Budget containing gross appropriations of \$2,097,673, user fee revenue of \$768,595 debt redemption of \$535,860 and anticipated transfers from reserve accounts of \$644,716 with a net appropriation from Fund Balance of \$148,502.

(Councilor Ketchen)

IX. OLD BUSINESS

IX. NEW BUSINESS

1. The City Council will consider approval of 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 in the Riverfront Park and to waive the Permit fee.

Suggested motion: 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 2018 and to waive the Permit fee.

2. The City Council will consider selling city surplus property to James Dubai as recommended by the Administrative Services Committee.

Suggested motion: Resolved, the Old Town City Council hereby approves selling city surplus property located on Assessor's Tax Map 026-Lot 013 to James Dubai in the amount of \$2,500 plus half of legal costs. The Council further authorizes the City Manager to execute all necessary documents to complete the transaction.

3. The City Council will consider taking property located at 79 Sanford Avenue due to the Sewer Lien Foreclosure process as recommended by the Administrative Services Committee.

Suggested motion: Resolved, the Old Town City Council hereby approves taking property located at 79 Sanford Avenue and authorizes the City Manager to ensure all notices have been properly filed in accordance with the Sewer Lien Foreclosure process. The Council further authorizes the disposal of this property according to the City's Disposition of Surplus Property Policy.

4. The City Council will consider going into Executive Session for the purpose of hearing an application for an abatement of taxes based on poverty.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to Title 36, M.R.S.A., §841(2) for the purpose of considering an application for an abatement of taxes based on poverty.

(Councilor Nuttall)

XI. ADJOURNMENT



SPECIAL COUNCIL MEETING – APRIL 17, 2018

Council convened April 17, 2018 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Shirley Brissette, Donna Ketchen, Jan Klitch, Carol May and John Nuttall. Councilor Stan Peterson absent.

Administration present: Bill Mayo, Danielle Berube, Patty Brochu, Lance Farrar, Cindy Jennings, Cassandra Pool, Travis Roy, David Russell, David Smith and Scott Wilcox.

Council President Mahan called the meeting to order at 4:30 p.m.

REPORTS

President Mahan stated Mr. Jim Varner attended the last meeting and spoke regarding the spring cleanup. In an effort to help those that can't get their items to the Spring Clean-up day, there are contact telephone numbers at City Hall they can call to help them.

Manager Mayo stated the first of many budget meetings are coming up soon.

NEW BUSINESS

The City Council considered accepting an after deadline redemption on foreclosed property for Luann Clark located at 14 Howard Street for payment of Real Estate Taxes and Sewer fees in the total amount of \$8,127.56

Councilor Nuttall, seconded by Councilor Brissette, Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Luan Clark located at 14 Howard Street for payment of 2015 through 2017 Sewer fees in the amount of \$1,247.36 and 2017-2018 RE taxes in the amount of \$6,730.20 plus \$150 Late Redemption fee for a total amount of \$8,127.56 which includes interest and lien costs and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

Approved all in favor, 6-0.

Councilor Klitch, seconded by Councilor Nuttall, moved to adjourn at 4:34 p.m.

Approved all in favor, 6-0.

Adjourned,

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



REGULAR COUNCIL MEETING – MAY 7, 2018

Council convened May 7, 2018 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Shirley Brissette, Donna Ketchen, Janet Klitch, Carol May and Stan Peterson. Councilor John Nuttall absent.

Administration present: Bill Mayo,

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

REPORTS

Manager Mayo reported that he is meeting with an appraiser on the Airport Park. He will be discussing the Budget at the meeting on May 21st.

CONSENT AGENDA

Councilor Brissette, seconded by Councilor May, 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 Tim Caliendo for a Major Special Event Permit to hold a Memorial Day Parade and Veterans Celebration in the Riverfront Park on May 29, 2017 and to waive the Permit fee.

Item #2: Resolved, the Old Town City Council hereby approves an application from John Jakson on behalf of Orono Cub Scout Pack 478 for a Minor Event Permit for Cub Scout Activities to be held at Sewall Park on June 2, 2018 to June 3, 2018 to allow overnight camping and to waive the \$25.00 fee.

Consent Agenda items unanimously approved, 6-0.

NEW BUSINESS

The City Council considered accepting an after deadline redemption on foreclosed property for Alan & Beverly Greenleaf located at 32 Bosworth Street for payment of Sewer fees in the total amount of \$3,513.83.

Councilor Ketchen, seconded by Councilor Brissette, Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Alan & Beverly Greenleaf located at 32 Bosworth Street for payment of 2013 through 2018 Sewer fees in the amount of \$3,363.83 plus \$150 Late Redemption fee for a total amount

of \$3,513.83 which includes interest and lien costs and further authorize the City Manager to execute a Municipal Quit-Claim Deed. **Approved all in favor, 6-0.**

The City Council considered accepting an after deadline redemption on foreclosed property for Herbert & Lisa Davis, 8 Southgate Road for payment of 2015-2018 Real Estate taxes in the total amount of \$4,980.45.

Councilor Klitch, seconded by Councilor Ketchen, Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Herbert & Lisa Davis, 8 Southgate Road for payment of 2015-2018 Real Estate taxes in the amount of \$4,830.45 plus \$150 Late Redemption fee for a total amount of \$4,980.45 which includes interest and lien costs. The Council further authorizes the City Manager to execute a Municipal Quit-Claim Deed when the monies have been paid in full to the City. **Approved all in favor, 6-0.**

Councilor Klitch, seconded by Councilor Brissette, moved to adjourn at 7:15 p.m. **Approved all in favor, 6-0.**

Adjourned,

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



SPECIAL COUNCIL MEETING – MAY 21, 2018

Council convened May 21, 2018 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Shirley Brissette, Donna Ketchen, Jan Klitch and Carol May. Councilors John Nuttall and Stan Peterson absent.

Administration present: Bill Mayo, Katie Foster, Danielle Berube, Patty Brochu, Cindy Jennings, John Rouleau, Travis Roy, David Russell, David Smith and Scott Wilcox.

Council President Mahan called the meeting to order at 6:57 p.m.

REPORTS

President Mahan congratulated and thanked all the staff for the Safety Training last week; Spring Cleanup appeared to go well. Public Works Director Rouleau reported only 21 properties city wide put their items out beside the road instead of taking them to the designated area.

Manager Mayo agreed that the spring cleanup went well; There will be household hazardous waste pickup on June 23rd; The City has been designated by the Governor as an Opportunity Zone which will allow large investors to defer taxes on capital gains; he's still working with FEMA to get money back from the Windstorm last fall.

CONSENT AGENDA

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

Item #1: Resolved, the Old Town City Council hereby authorizes the City Manager to execute a Quit Claim Deed to Habitat for Humanity to clear title of property at 62 Seventh Street and formerly owned by Josiah & Brenda Friberg.

Item #2: Resolved, the Old Town City Council hereby approves an application from Old Town Boosters, for a Major Special Event Permit for Smokey's Greater Shows to be held in the Riverfront Park from June 18, 2018 to June 24, 2018 and to waive the Permit fee.

Item #3: Resolved, the Old Town City Council hereby accepts the bid from Stephen Russell in the amount of \$42,500 for City owned property located at 942 West Old Town Road. The Council further authorizes the City Manager to execute all necessary documents to complete the transaction.

Consent Agenda items approved all in favor, 5-0.

NEW BUSINESS

The City Council considered authorizing the City Manager to take all necessary steps to retain Tax Acquired property pursuant to the mature tax lien process. The property currently has buildings that will need to be razed. This property was removed from a Council Agenda motion on March 5, 2018 for further review.

Councilor Resolved, the Old Town City Council hereby authorizes the City Manager to take all necessary steps to retain the following Tax Acquired Property as recommended by the Administrative Services Committee. The City Council further authorizes the demolition of any structures located on the property.

<u>Address</u>	<u>Type</u>	<u>Condition</u>	<u>Occupancy</u>	<u>Purpose of retention</u>
2444 Bennoch Rd/Mobile Home	Poor		Vacant	To provide parking for the Pea Cove Cemetery

Assessor Travis Roy explained that on March 5th Councilor Peterson indicated a neighbor might be interested in purchasing it. Travis contacted the neighbor and after consideration, the neighbors decided they were not interested after all.

Motion approved all in favor, 5-0.

The City Council considered going into Executive Session but President Mahan decided to postpone it until the June 4th meeting.

Councilor Klitch, seconded by Councilor Brissette, moved to adjourn at 7:07 p.m.
Approved all in favor, 5-0.

Adjourned,

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

**CITY OF OLD TOWN
 APPROPRIATION RESOLUTION 2018-1
 INBOARD OF COUNCIL, JUNE 4, 2018
 Municipal, RSU #34 and County Appropriation**

RESOLVED:

That whereas the annual budget for the fiscal year 2018-2019 after proper notice of hearing thereon and hearing in consideration thereof being had; now, therefore, be it resolved that the several sums of money in the recommended budget, as amended, be appropriated to the various accounts and the various sums of estimated revenues as listed in the budget be appropriated, and the net appropriation, as listed below, necessarily to be derived from general taxation, shall be assessed upon the taxable estates of the inhabitants of the City of Old Town, and upon estates of non-resident persons and proprietors within the City of Old Town, in accordance with the laws of Maine, and the provisions of the City Charter of the City of Old Town.

And be it further resolved that the Assessor of the City of Old Town be and is hereby instructed and authorized to assess upon said estates in the City of Old Town, as the same exist on the first day of April 2018.

The net totals of said grants & appropriations are as follows, to wit:

GENERAL FUND				
	Municipal	RSU#34	Penobscot County	Total
Gross Appropriation	10,320,100	5,202,655	653,134	16,175,889
<u>Less:</u>				
TIF Financing Plan Transfer	138,000			138,000
Fund Balance Transfer	200,000			200,000
Heavy Equipment Reserve Transfer	0			0
Airport Hangar Reserve Transfer	125,000			125,000
City Facility & Infra Reserve Transfer	0			0
Highway Block Grant	75,000			75,000
State-Municipal Revenue	548,211			548,211
Other Estimated Revenue	5,382,065			5,382,065
Property Tax	3,851,824	5,202,655	653,134	9,707,613

And be it further resolved that all taxes on real estate and personal estate within the present municipal year shall be due and payable upon approval of this Appropriation Resolution and one half (1/2) of all real estate and personal property taxes that remain unpaid on September 12, 2018 shall commence bearing interest on September 13, 2018 and that the final half (1/2) of all real estate and personal property taxes that remain unpaid on March 13, 2019 shall commence bearing interest March 14, 2019 at the highest rate per annum authorized by Maine law until paid and collected, and the Collector of Taxes and the City Treasurer of the City of Old Town are authorized and required to collect and receive thereof.

And be it further resolved, that the City Council authorizes the Finance Director to accept prepayment of real and personal property taxes.

And be it further resolved, that the Tax Collector shall apply all tax payments to the oldest balance due on that account regardless of any instructions the taxpayer may give. If, however, a tax lien has matured, the Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the City Council to accept payment. If a taxpayer has more than one tax account, any payment shall be applied to the oldest balance due unless the taxpayer specifies the account against which the payment is to be applied;

And be it further resolved, that pursuant to 36 M.R.S.A., Section 506-A, the City Council establishes an interest rate of **3% (4% less than late payment interest rate)** percent per annum to be paid on all real and personal taxes rebated to an over-assessment.

NOW, THEREFORE, the estimated amount of said budget for the municipal year beginning July 1, 2018 and ending June 30, 2019 is included in the **2018-1** Appropriation Resolution.

APPROVED AS TO FORM:
 Edmond Bearor
 City Attorney

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

**CITY OF OLD TOWN
 APPROPRIATION RESOLUTION 2018-2
 IN CITY COUNCIL, June 4, 2018
 Pollution Control**

The City Council, after proper notice, having conducted a public hearing on the annual Pollution Control budgets for the fiscal year 2018-2019 in accordance with Article IX, section 4 of the City Charter, it is hereby

RESOLVED that the several sums of money in the recommended budget, as amended, be appropriated to the Pollution Control fund and the various sums of estimated revenues as listed in the budget be appropriated, and the net appropriation, as listed below, necessarily to be derived from sewer user fees, shall be assessed quarterly upon the estates of the inhabitants of the City of Old Town, and upon estates of non-resident persons and proprietors within the City of Old Town that use the sanitary sewer treatment facility, in accordance with the laws of Maine, and the provisions of the City Charter of the City of Old Town.

And be it further resolved that the Finance Director of the City of Old Town be and is hereby instructed and authorized to invoice said estates in the City of Old Town, for quarterly payments due.

The net totals of said grants & appropriations are as follows, to wit:

POLLUTION CONTROL FUND	
Pollution Control	
Gross Appropriation	2,097,673
<u>Less:</u>	
Revenues	768,595
Debt Redemption	535,860
Collection System Reserve	480,000
Plant and Equipment Replacement Reserve	80,000
Short lived Asset Reserve	84,716
Transfer from Fund Balance	148,502
Net General Fund Appropriation	-0-

And be it further resolved that all invoices for Pollution Control services for each property shall be due and payable no later than 30 Days after the date of mailing of the invoice concerned and all invoices that remain unpaid shall commence bearing interest at the highest rate per annum authorized by Maine law until paid and collected, and the Collector of Taxes and the City Treasurer of the City of Old Town are authorized and required to collect and receive thereof.

And be it further resolved, that the Finance Director shall apply all payments to the oldest balance due on that account regardless of any instructions the property owner may give. If, however, a sewer lien has matured, the Finance Director may not accept payment on that account unless a workout agreement is in place or approval has been granted by the City Council to accept payment. If a property owner has more than one sewer account, any payment shall be applied to the oldest balance due unless the property owner specifies the account against which the payment is to be applied;

And be it further resolved, that pursuant to 36 M.R.S.A., Section 506-A, the City Council establishes an interest rate of **3%** (**4%** less than late payment interest rate) percent per annum to be paid on all real and personal taxes rebated to an over-assessment.

NOW, THEREFORE, the estimated amount of said Pollution Control budget for the municipal year beginning July 1, 2018 and ending June 30, 2019 is included in the **2018-2** Appropriation Resolution.

APPROVED AS TO FORM:
 Edmond Bearor
 City Attorney

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