



**REGULAR COUNCIL MEETING – SEPTEMBER 5, 2017**

Council convened September 5, 2017 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Attorneys Katie Foster and Jamie Pitney, Danielle, Berube, Patty Brochu, Travis Roy and David Smith.

Others present: One citizen.

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

Councilor Klitch, seconded by Councilor May, moved to approve the Minutes of the August 21, 2017 Special Council Meeting. Approved all in favor, 6-0.

**REPORTS**

Councilor May reported Riverfest is coming up on September 29<sup>th</sup> & 30<sup>th</sup>. There will be more info coming out on Thursday.

City Attorney Foster reported they have provided an opinion on 27 Front Street and they are still working on 33 Front Street.

Manager Mayo: 1) Paving on Main Street will be starting and finished around the 2<sup>nd</sup> week in October; 2) Update on Habitat of Humanities, 2 families will be recipients in Old Town; 3) Negotiations on Penny Road property will give new owners a 2 year option to purchase the property instead of 8 years. 4) He will be away at training for the next few days.

**CONSENT AGENDA**

Councilor McLeod, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, 3, 4, 5, 6 & 7 as presented and as follows:

Item #1: 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.

Item #2: 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.

Item #3: 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

Item #4: 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.

Item #5: 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.

Item #6: 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.

Item #7: 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.

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

**PUBLIC HEARINGS**

The City Council conducted a Public Hearing at 7:16 p.m. 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.

Attorney Jamie Pitney explained that this amendment will allow the city to help economic development businesses that want to come to the city. He has been working with the Manager and the Council President on making the availability of a loan from the city to an economic development in need. In order to do this, the section in the Charter needs to be amended as it had not been updated since the 1940's and currently prohibits any lending by the city. Attorney Pitney then went through Exhibit A and explained what was being added and what was being deleted.

President Mahan closed the hearing at 7:26 p.m.

The City Council conducted a Public Hearing at 7:27 p.m. on a new application for a Victualer's License (food establishment) for Muhammed Qazi, d/b/a Subway, 255 Main Street.

Code Officer David Russell reported the Fire Department noticed some discrepancies with exit lights and the State Health Inspector also wants another hand wash sink and city received a complaint on the ice machine. He recommends approval but contingent upon compliance with the Inspectors.

President Mahan closed the hearing at 7:28 p.m.

The City Council considered approval on a new application for a Victualer's License (food establishment) for Muhammed Qazi, d/b/a Subway.

Councilor May, seconded by Councilor Klitch, 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 contingent upon compliance with inspector's findings. **Approved all in favor, 6-0.**

### **NEW BUSINESS**

The City Council considered 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.

Councilor Klitch, seconded by Councilor May, 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.

Code Officer David Russell said this went to the City Attorneys for review. The Attorney's felt all notices were appropriate but said Attorney Ed Bearor would feel more comfortable if Mr. Mitchell would sign a quitclaim deed. David said the building needs to be torn down as well as the one at 33 front street.

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

The City Council considered 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.

Councilor Roach, seconded by Councilor McLeod, moved to approve the following order:

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.

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

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

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:35 p.m. pursuant to MRSA Title 405, Section (6)(A) for the purpose of discussing a Personnel matter.

Councilor Peterson, seconded by Councilor Klitch, moved to come out of Executive Session at 8:20 p.m. **Approved all in favor, 6-0.**

Councilor McLeod, seconded by Councilor Klitch, moved to adjourn at 8:20 p.m. **Approved all in favor, 6-0.**

Adjourned,

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