

**JUNE 17, 2019  
MONDAY  
5:00 P.M.**



**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.**
- 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)**
- VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**
- IX. OLD BUSINESS**

**X. NEW BUSINESS**

1. 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**

**JUNE 17, 2019  
MONDAY  
6:00 P.M.**



**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 May 6, 2019 Regular Council Meeting and the May 20, 2019 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)**

## VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

### SECOND READINGS

1. The Old Town City Council will conduct a Second Reading on the proposed FY 2019-2020 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$10,935,814, Penobscot County Taxes of \$657,253 and RSU #34 expenditures of \$5,407,292 for a total City, County and RSU #34 Budget of \$17,000,359 with total City revenue of \$6,943,975 for a net property tax requirement of \$10,056,384.

1a. The Old Town City Council will consider final approval on the FY 2019-2020 Municipal, County and School Budgets.

Suggested motion: Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 17, 2019 for final approval on the proposed FY 2019-2020 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$10,935,814, Penobscot County Taxes of \$657,253 and RSU #34 expenditures of \$5,407,292 for a total City, County and RSU #34 Budget of \$17,000,359 with total City revenue of \$6,943,975 for a net property tax requirement of \$10,056,384.

(Councilor Mahan)

(Roll Call Vote)

2. The Old Town City Council will conduct a Second Reading on the proposed FY 2019-2020 Pollution Control Budget containing gross appropriations of \$1,879,444, user fee revenue of \$809,300, debt redemption of \$559,600 and anticipated transfers from reserve accounts of \$329,716 with a net appropriation from Fund Balance of \$180,828.

2a. The Old Town City Council will consider final approval on the FY 2019-2020 Pollution Control Budget.

Suggested motion: Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 17, 2019 on the Proposed FY 2019-2020 Pollution Control Budget containing gross appropriations of \$1,879,444, user fee revenue of \$809,300, debt redemption of \$559,600 and anticipated transfers from reserve accounts of \$329,716 with a net appropriation from Fund Balance of \$180,828.

(Councilor Ketchen)

(Roll Call Vote)

**IX. OLD BUSINESS**

**X. NEW BUSINESS**

1. The City Council will consider renewing the Legal Services Contract with Rudman and Winchell for legal services for the 2019-2020 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 2019-2020 Fiscal Year effective July 1, 2019 to June 30, 2020.

(Councilor Klitch)

2. The City Council will consider authorizing the Finance Director to prepare a Request for Proposal for financing a Paving Bond.

Suggested motion: Resolved, the Old Town City Council hereby authorizes the Finance Director to prepare a Request for Proposal (RFP) for financing a Paving Bond.

(Councilor Mahan)

3. Assessor Travis Roy will discuss the possible donation of foreclosed property located at 1064 West Old Town Road to the Habitat for Humanity for their continued efforts to add affordable housing in Old Town. This is for informational purposes only.

**XI. ADJOURNMENT**



## REGULAR COUNCIL MEETING – MAY 6, 2019

Council convened May 6, 2019 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President Stan Peterson, Shirley Brissette, Donna Ketchen, Janet Klitch, David Mahan, Carol May and Kyle Smart.

Administration present: Bill Mayo, Ed Bearor, Patty Brochu, Danielle Berube and Katie Foster.

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Council President Peterson called the meeting to order at 6:00 p.m.

Councilor Smart, seconded by Councilor Klitch, moved to approve the Minutes of the April 1, 2019 Regular Council Meeting, the April 10, 2019 and April 16, 2019 Special Council Meetings. Approved all in favor, 7-0.

### REPORTS

Councilor Klitch would like to discuss looking at solar power for the city at the first meeting in July.

Councilor May brought up that next year will be Maine's 200<sup>th</sup> Anniversary and would like to see Old Town do something for it like other communities.

Manager Mayo reported the Street & Stream cleanup was last weekend and they picked up around 60 trash bags full of garbage; there was a meeting on the Route 43 bridge work last week regarding fixing the concrete on the overpass to the interstate. He said the MDOT wanted to shut the entire bridge down and reroute traffic, but Manager Mayo told them it was not a good idea.

### PUBLIC HEARINGS

The City Council conducted a Public Hearing on a proposal to re-locate the Polling Place for all voters in Ward 1 (Old Town) and Ward 5 (Argyle Twp.) from the Knights of Columbus Hall at 5 Gilman Falls Avenue to the Old Town Elks Club at 37 Fourth Street for all future City, State & Federal Elections.

City Clerk Patty Brochu reported that due to the Knights of Columbus Hall closing and being up for sale, that the voting location would have to be moved. She said the city has used the Old Town Elks Lodge in the past, but it wasn't for all the Wards. She said she feels the Elks Lodge will work and her only concern is the logistics of parking.

There being no questions, Council President Peterson closed the hearing.

The City Council considered approval of a proposal to re-locate the Polling Place.

Councilor Brissette, seconded by Councilor Mahan, Resolved, the Old Town City Council hereby approves re-locating the Polling Place for all voters in Ward 1 (Old Town) and Ward 5 (Argyle Twp.) from the Knights of Columbus Hall at 5 Gilman Falls Avenue to the Old Town Elks Club at 37 Fourth Street for all future City, State & Federal Elections. **Approved all in favor, 7-0.**

### **NEW BUSINESS**

The City Council considered approval of an application from Tim Caliandro for a Major Special Event Permit to hold a Memorial Day Parade and Veterans Celebration in the Riverfront Park. Sponsors for the event are City of Old Town, Old Town Canoe, Old Town Trading Post and Nine Dragons.

Councilor Klitch, seconded by Councilor Smart, Resolved, the Old Town City Council hereby approves an application from Tim Caliandro for a Major Special Event Permit to hold a Memorial Day Parade and Veterans Celebration in the Riverfront Park on May 27, 2019 and to waive the Permit fee. **Approved all in favor, 7-0.**

The City Council considered going into Executive Session for the purpose of consulting with the City Attorney concerning the matter of James Mitchell vs. The City of Old Town.

Councilor Smart, seconded by Councilor May, Resolved, the Old Town City Council hereby approves going into Executive Session at 6:11 p.m. pursuant to Title 1, M.R.S.A. §405 (6)(E) for the purpose of consulting with the City Attorney concerning the matter of James Mitchell vs. The City of Old Town. **Approved all in favor, 7-0.**

Councilor Klitch, seconded by Councilor Brissette, moved to come out of Executive Session at 6:24 p.m. **Approved all in favor, 7-0.**

The City Council considered going into Executive Session for the purpose of consulting with the City Attorney concerning the property at 79 Sanford Avenue.

Councilor Mahan, seconded by Councilor May, Resolved, the Old Town City Council hereby approves going into Executive Session 6:25 p.m. pursuant to Title 1, M.R.S.A. §405 (6)(E) for the purpose of consulting with the City Attorney concerning the property at 79 Sanford Avenue. **Approved all in favor, 7-0.**

Councilor Klitch, seconded by Councilor May, moved to come out of Executive Session at 6:44 p.m. **Approved all in favor, 7-0.**

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

Councilor May, seconded by Councilor Mahan, Resolved, the Old Town City Council hereby approves going into Executive Session at 6:44 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 Klitch, seconded by Councilor Smart, moved to come out of Executive Session at 7:20 p.m. **Approved all in favor, 7-0.**

Councilor Mahan, seconded by Councilor Klitch, moved to adjourn at 7:20 p.m. **Approved all in favor, 7-0.**

Adjourned,

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





## SPECIAL COUNCIL MEETING – MAY 20, 2019

Council convened May 20, 2019 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President Stan Peterson, Shirley Brissette, Donna Ketchen, Jan Klitch, David Mahan, Carol May and Kyle Smart.

Administration present: Bill Mayo, Danielle Berube, Michaelle Lachance and David Smith.

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Council President Peterson called the meeting to order at 6:35 p.m.

### REPORTS

President Peterson shared that the Public Works free transfer station day went well. Manager Mayo added that letters will be sent to homeowners who left furniture and other items roadside.

Councilor Brissette reported the Parks and Recreation Board meeting was cancelled but she was continuing to gather information.

Councilor May inquired about the crosswalk painting.

Manager Mayo informed everyone of the Memorial Day Parade, the Veterans Luncheon and entertainment events.

### CONSENT AGENDA

Councilor Smart, seconded by Councilor May, Resolved, the Old Town City Council hereby approves the suggested motions under New Business items 1, 2, 3, 4 & 5 as presented and as follows:

Item #1: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Vinous and Beverage Cart Liquor License for Joseph Perdue, d/b/a Hidden Meadows Golf Course, 240 W. Old Town Road.

Item #2: 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 2019 and to waive the Permit fee.

Item #3: Resolved, the Old Town City Council hereby accepts an after-deadline redemption on foreclosed property for Jean & Robert Lewis Malenfant located at 115 Jefferson Street for payment of 2017, 2018 & 2019 Real Estate Taxes in the amount of \$5,983.22 plus \$150 Late Redemption fee for a total amount of \$6,133.22 which includes interest and lien costs and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

Item #4: Resolved, the Old Town City Council hereby accepts an after-deadline redemption on foreclosed property for Jean & Robert Lewis Malenfant located at 551 Woodland Avenue for payment of 2017, 2018 & 2019 Real Estate Taxes in the amount of \$299.57 plus \$150 Late Redemption fee for a total amount of \$449.57 which includes interest and lien costs and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

Item #5: Resolved, the Old Town City Council accepts the bid from Quirk Auto Group in the amount of \$33,812 for a ¾ ton pickup truck for the Pollution Control Department as recommended by the Finance Committee. Funds are to come from Pollution Control Account #80-800-87-6610.

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

Councilor Mahan, seconded by Councilor Brissette, moved to adjourn at 6:42 p.m. **Approved all in favor, 7-0.**

Adjourned,

Michaëlle Lachance  
Deputy Clerk-Old Town, ME



## REGULAR COUNCIL MEETING – JUNE 3, 2019

Council convened June 3, 2019 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President Stan Peterson, Shirley Brissette, Donna Ketchen, Janet Klitch, David Mahan, Carol May and Kyle Smart.

Administration present: Bill Mayo, Ed Bearor, Patty Brochu, Danielle Berube, Chris Baker, Lance Farrar, Cindy Jennings, Frank McGuire, Lee Miller, John Rouleau, Travis Roy, David Russell, David Smith and Scott Wilcox.

Others present: 4 citizens in the audience.

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Council President Peterson called the meeting to order at 6:00 p.m.

### REPORTS

President Peterson reminded everyone of the School Budget Referendum Election on June 11<sup>th</sup>.

Manager Mayo gave an update on the Penobscot Nation Fishing sustenance rights.

### PUBLIC HEARINGS

The Old Town City Council conducted a Public hearing at 6:03 p.m. on the proposed FY 2019-2020 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$10,935,814, Penobscot County Taxes of \$657,253 and RSU #34 expenditures of \$5,407,292 for a total City, County and RSU #34 Budget of \$17,000,359 with total City revenue of \$6,943,975 for a net property tax requirement of \$10,056,384.

Manager Mayo gave the Council an update since their last Finance Committee Meeting and adjustments he has made to bring the increase down to 2.8%. He estimates the Mil Rate to \$23.51.

President Peterson closed the hearing at 6:10 p.m.

The Old Town City Council considered scheduling a Second Reading for final approval on the FY 2019-2020 Municipal, County and School Budgets.

Councilor Mahan, seconded by Councilor Smart, Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 17, 2019 for final approval on the proposed FY 2019-2020 Municipal, County and School Budget. The

proposed budget calls for City expenditures of \$10,935,814, Penobscot County Taxes of \$657,253 and RSU #34 expenditures of \$5,407,292 for a total City, County and RSU #34 Budget of \$17,000,359 with total City revenue of \$6,943,975 for a net property tax requirement of \$10,056,384. Approved all in favor, 7-0.

The Old Town City Council conducted a Public Hearing at 6:11 p.m. on the proposed FY 2019-2020 Pollution Control Budget containing gross appropriations of \$1,879,444, user fee revenue of \$809,300, debt redemption of \$559,600 and anticipated transfers from reserve accounts of \$329,716 with a net appropriation from Fund Balance of \$180,828.

Manager Mayo reported that the Department has the same wage and health insurance wage increases.

Councilor Peterson closed the hearing at 6:13 p.m.

The Old Town City Council considered scheduling a Second Reading for final approval on the FY 2019-2020 Pollution Control Budget.

Councilor Ketchen, seconded by Councilor Mahan, Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 17, 2019 on the Proposed FY 2019-2020 Pollution Control Budget containing gross appropriations of \$1,879,444, user fee revenue of \$809,300, debt redemption of \$559,600 and anticipated transfers from reserve accounts of \$329,716 with a net appropriation from Fund Balance of \$180,828. Approved all in favor, 7-0.

## NEW BUSINESS

The City Council considered going into Executive Session for the purpose of discussing Labor Union Contracts for Police & Fire Departments.

Councilor May, seconded by Councilor Brissette, Resolved, the Old Town City Council hereby approves going into Executive Session at 6:15 p.m. pursuant to MRSA Title 405, Section (6)(D) for the purpose of discussing Labor Union Contracts for Police & Fire Departments.

Councilor Klitch, seconded by Councilor Mahan, moved to come out of Executive Session at 7:07 p.m. Approved all in favor, 7-0.

The City Council considered approving a three-year Contract between the City of Old Town and the Professional Firefighters of Old Town, IAOF, AFL-CIO, Local 1655 effective July 1, 2019 and expiring June 30, 2022.

Councilor Brissette, seconded by Councilor Ketchen, Resolved, the Old Town City Council hereby approves a three-year Employment Contract between the City of Old

Town and the Professional Firefighters of Old Town, IAOF, AFL-CIO, Local 1655 effective July 1, 2019 and expiring June 30, 2022. **Approved all in favor, 7-0.**

The City Council considered approval of a 3-year employment contract for the Maine Association of Police, Old Town Local Police Department as negotiated.

Councilor Klitch, seconded by Councilor Brissette, Resolved, the Old Town City Council hereby approves a 3-year Employment Contract between the City of Old Town and the Maine Association of Police, Old Town Local Police Department as negotiated and effective July 1, 2019 and expiring June 30, 2022. **Approved all in favor, 7-0.**

Councilor Smart seconded by Councilor Brissette, moved to adjourn at 7:11 p.m. **Approved all in favor, 7-0.**

Adjourned,

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

June 11, 2019

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 2019 (July 1, 2019 - June 30, 2020), 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, John Hamer, Frank McGuire, Cindy Mehnert and Stephen Wagner 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 \$190.00 per hour. This rate will be maintained through June 30, 2020.

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.

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William J. Mayo, City Manager

June 11, 2019

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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 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.

William J. Mayo, City Manager

June 11, 2019

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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 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.



William J. Mayo, City Manager

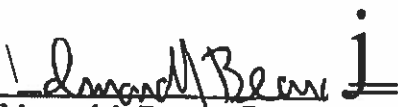
June 11, 2019

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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:   
Edmond J. Bearor, Esq.  
Managing Partner

Enclosure

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

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