



**DECEMBER 7, 2015  
6:30 P.M.**

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

- I. Call to order**
- II. Roll call.**
- III.** Invocation by Reverend Bruce Stevens of the United Baptist Church.
- IV.** Oath of Office to be administered by City Clerk Patricia Brochu to Councilors-Elect David Mahan and John Nuttall,; RSU #34 Board Members elect James Dill and Brooke Gardner.
- V.** Election of Council President.
- VI.** Presentation to out-going Council President.
- VII.** The City Council will consider adopting Rules of Order and Procedure for conducting meetings.  
  
Suggested motion: Resolved, the Old Town City Council hereby adopts the Old Town City Council's Rules of Order and Procedure as presented.  
  
(Councilor Roach)
- VIII.** The City Council will consider approval of a Resolution establishing a regular place and time for holding meetings.  
  
Suggested motion: Resolved, the Old Town City Council hereby approves Resolution 2015-3 establishing a time and place for City Council Meetings.  
  
(Councilor Klitch) (Roll Call Vote)
- IX.** Benediction by Reverend Bruce Stevens of the United Baptist Church.
- X. ADJOURNMENT**

## **OLD TOWN CITY COUNCIL RULES OF ORDER AND PROCEDURE**

### **COUNCIL MEETINGS**

1. **REGULAR COUNCIL MEETINGS:** The Council shall meet in regular session in the Council Chambers at City Hall, 265 Main Street, Old Town, Maine at 7:00 p.m. on the first Monday of each month. If the meeting day falls on a legally stated holiday, the meeting shall be held on the Tuesday following the holiday.
2. **COUNCIL MEETING AGENDA:** All reports, communications, ordinances, resolutions, contract documents, appointments, or other matters to be submitted to the Council shall be delivered to the City Manager and Council President by 10:00 a.m. on the Tuesday prior to the regular Monday meeting if they are to have consideration at that meeting. Agenda items may be submitted by Council members, by the City Manager or by either of these at the request of interested citizens. Agenda items must state clearly the scope and intent of the action to be taken. Items entered for discussion that are not on the agenda may not be voted upon until the next meeting.
3. **SPECIAL MEETINGS:** As required by Article 2, Section 7 of the City Charter: Special Meetings may be called by the President and in case of absence, disability or refusal, may be called by a majority of the members of the City Council. Notice of such meeting shall be served in person or left at the residence of each member of the City Council at least 24 hours before the time of holding said special meeting. The person who calls the meeting shall notify the public of the time and place through appropriate news media.
4. **ADJOURNED SESSIONS:** Any session of the Council may be continued or adjourned from day to day or for more than one day, but no adjournment shall be for longer period than until the next regular meeting.
5. **WORKSHOP SESSION:** The Council may meet in workshop session prior to any regular or special meeting. The Council President may call the Council together for a workshop session at any time. The workshop session shall be devoted exclusively to any matters regarding which the interchange of information preliminary to public discussion is deemed essential. No formal vote shall be taken on any matter under discussion nor shall any council member enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Council, but an informal vote on any matter under discussion may be taken. The press shall be notified and permitted to attend.

6. **EXECUTIVE SESSION:** An executive session may be called only by a three-fifths (3/5) vote of the Council members present and voting. No ordinances, orders, rules, resolutions, regulations, contracts, appointments, or other official action shall be finally approved at an executive session. An executive session shall not be used to defeat the purpose of Title I, Sec. 401, M.R.S.A., which reads as follows:

"The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that their deliberations be conducted openly."

7. **STANDING COMMITTEES, SPECIAL COMMITTEES, BOARD LIAISON**

- a. Standing Committees shall be established by the Council on the recommendation of the President of the Council.
- b. The President of the Council shall appoint Councilors, as appropriate, to all standing committees, but two or more members may exchange assignments by joining in a request to the Chairperson to that effect.
- c. The President of the Council shall appoint all Standing Committee Chairpersons.
- d. The President of the Council shall appoint members to special committees and boards except as otherwise established by Council action.
- e. Committee meetings: All committee meetings will be called by the chairperson of the respective committee with the consent of the regular members. The Council President is an ex-officio member of all standing committees with the same rights and privileges as other committee members.
- f. Standing Committee action shall be referred to the next regular meeting of the Council, except that as an emergency measure the Council may take action at any Regular or Special Council meeting.
- g. Actions approved by Standing Committees shall be forwarded to the full Council. as affirmative motion without need of a second.

**THE PRESIDING OFFICER**

8. **PRESIDING OFFICER:** The President of the Council, or in absence of, the President Pro tempore shall take the duties at the hour appointed for the Council to meet, and shall immediately call the members to order. The roll shall then be taken by the City Clerk, who shall enter in the

minutes of the meeting the names of the members present.

9. **PRESIDENT PRO TEMPORE:** In case of the absence of the President, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present the Council may select a President pro tempore from among its number and who shall exercise all the powers of the President. (Art. 2, Sec. 4, City Charter).

10. **COUNCIL PRIVILEGES:** The President may move, second, declare by unanimous consent, subject to the following limitations. As it is the function of the Council President to preserve order and provide a fair hearing, the President shall reserve the right to speak first and last on any subject before the Council. If the President wants to actively participate in the debate in any other manner, the President should stand down and call another member to take the role of President with the unanimous consent of the other members of the Council. The Council President should not resume the Presidents role until the pending question is disposed of.

11. **DECORUM AND ORDER:** The President shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Council.

- a. During Council meetings, councilors shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the presiding officer or the rules of the Council. Every councilor desiring to speak shall address the President and, upon recognition by the President, shall confine their self to the question under debate and shall avoid all personalities and indecorous language. Every councilor desiring to question the administrative staff shall address the question to the City Manager who shall be entitled either to answer the inquiries or to designate some member of the staff for that purpose. A councilor once recognized, shall not be interrupted while speaking unless called to order by the President, unless a Point of Order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a councilor is called to order while speaking, the Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Councilor shall be permitted to proceed. If ruled to be not in order, the Councilor shall remain silent or shall alter the remarks so as to comply with rules of the Council. All members of the Council shall accord the utmost courtesy to each other, to City employees and to public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statement as to motives and personalities. Members shall be removed from the meeting for failure to comply with decisions of the presiding officer or for continued violations of the rules of the Council. If the President fails to act, any member may move to require the President to enforce the rules and the affirmative vote of a majority of the Council shall require the presiding officer to act.

- b. Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and City employees are concerned, the City Manager also shall be responsible for the orderly conduct and decorum of all City employees under the Manager's direction and control. The City Manager shall take such disciplinary action as may be necessary to ensure that such decorum is preserved at all times by City employees in Council meetings. Any staff member or City Manager desiring to address the Council or members of the public shall be recognized by the President, shall state their name for the record, and shall limit remarks to the matter under discussion. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. No staff member, other than staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the President.
- c. Public members attending Council meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if a police officer is so directed by the President. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the President, who shall direct a police officer to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the President. In case the President shall fail to act, any member of the Council may move to require the President to act to enforce the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act.
- d. Any public member desiring to address the Council shall be recognized by the President, shall state their name and address in an audible tone for the record, and shall limit remarks to the question under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual member thereof. All remarks and questions addressed to the administration of the City shall be addressed to the City Manager and not to any individual City employee. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without the permission of the presiding officer.

12. **QUORUM:** A majority of the Council constitutes a quorum. If less than a quorum convenes at any meeting, the majority of those present may send a police officer or any other person for any or all of the absent members, as the majority of the members agree. If a quorum cannot be obtained, the meeting may be adjourned as provided by Rule 4.

## **OFFICERS AND EMPLOYEES**

13. **ELECTION OF OFFICERS:** Article 2, Section 4. City Charter. At its first meeting following the annual election, or as soon thereafter as possible, the Council shall elect by majority vote, one of its members as President of Council for the ensuing year, and until a successor is elected and qualified.

14. **CLERK AND EMPLOYEES:** The Clerk and other officers and employees of the City are under the control and direction of the President during sessions of the Council.

15. **APPOINTMENTS:** Consideration of all appointments whether by Council or the City Manager with the advice of the Council shall be deferred until the next meeting following their initial introduction.

16. **CITY MANAGER:** The City Manager shall attend all meetings of the Council, except when removal is being considered. The Manager shall keep the Council fully advised as to the financial condition and needs of the City. The Manager may make recommendation to the Council and may take part in discussions on all matters concerning the welfare of the City, but may not vote.

17. **CITY CLERK:** The City Clerk is ex officio Clerk of the Council. The clerk shall keep a minute book in which shall be recorded, in chronological order, minutes of all proceedings of the Council and such other duties as may be ordered by the Council. Within one week after each meeting, the Clerk shall furnish each councilor with a copy of the minutes of the proceeding meeting. In the absence of the Clerk, the Council shall appoint a temporary clerk to perform the duties.

18. **CITY ATTORNEY:** The City Attorney shall attend all regular meetings of the Council. The Council, the President, the City Manager, or the Chairperson of the School Board may at any time call upon the City Attorney for an oral or written opinion to decide any question of law. He may be asked to state his opinion upon any rule of parliamentary procedure, which opinion shall not be binding on the Council.

19. **OFFICERS AND EMPLOYEES TO ATTEND:** The head of any department, or any officer or employee of the City, when requested by the City Manager or the Council, through the City Manager shall attend any regular, adjourned, or special meeting and confer with the Council on all matters relating to the City.

## **DUTIES AND PRIVILEGES OF MEMBERS**

20. **SEATING ARRANGEMENT:** Members shall occupy the respective seats in the Council chamber assigned to them by the Council President, but any two or more members may exchange seats by joining in a written notice to the President to that effect.

21. **RIGHT OF FLOOR:** When recognized by the President a member shall confine them self to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's argument or vote. No member shall address the President or demand the floor while any vote is being taken.

22. **PERSONAL INTEREST:** A member stopped from voting by personal interest need not remain in the Council chamber during the debate and vote on any such matter.

23. **RIGHT OF APPEAL:** Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for it, and the presiding officer may briefly explain their ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the President be sustained?" If a majority of the members present vote in favor the ruling of the President is sustained; otherwise, it is overruled.

24. **LIMITATION OF DEBATE:** No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken and no member shall speak more than twice upon any one subject, nor for a longer time than ten minutes, without leave of the Council.

25. **VOTING:** Every member present when a question is put shall vote either "Yes" or "No," unless the Council shall, for special reason, excuse them from voting. Application to be excused from voting must be made before the votes are called for. The member having briefly stated the reason for their request, the decision thereon shall be made without debate.

26. **DEMAND FOR ROLL CALL:** Upon demand of any member, made before the negative has been put, the roll shall be called for yeas and nays upon any question before the Council. It shall not be in order for members to explain their vote during roll call.

27. **PERSONAL PRIVILEGE:** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which their integrity, character, or motives are assailed, questioned or impugned.

28. **DISSENTS AND PROTEST:** Any member shall have the right to express dissent or protest against any ordinance or resolution of Council and have the reason therefore entered upon the journal. Such dissent or protest must be filed in writing, couched in respectful language, and presented to Council not later than the next regular meeting following the date of passage of the ordinance or resolution objected to.

29. **EXCUSAL FROM ATTENDANCE:** No member shall be excused from attendance at a Council meeting, without notification to the City Clerk prior to the meeting.

30. **EXCUSAL DURING MEETING:** No member may leave the Council Chamber while in regular session without permission from the President of the Council.

31. **APPOINTMENT TO MUNICIPAL BOARDS AND COMMISSIONS:** All appointments to City Boards and Commissions shall be made in accordance with statutes and the City Charter.

## **COUNCIL PROCEDURE**

32. **ORDER OF BUSINESS:** The business of all regular meetings of the Council shall be transacted in the following order, unless the Council changes the order:

### **AGENDA OLD TOWN CITY COUNCIL (DATE, PLACE & TIME OF MEETING)**

- I. Call to Order
- 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. School Board Liaison
  - G. City Manager
- VII. Consent Agenda
- VIII. Public Hearings and Second Reading of Ordinances
- IX. Old Business
- X. New Business
- XI. Adjournment

At each meeting, the minutes of the preceding meeting shall be read, unless the reading is dispensed with by consent of the Council. If no objection is made to the minutes, the President shall declare them approved.

33. **DOCUMENTS PREPARED BY MANAGER:** The Manager shall have copies of all ordinances, resolutions, and documents ready for delivery to the Council by 8:00 p.m. on Friday before which they are to come before the Council for consideration.

34. **PROCEDURE OF MOTIONS:** When a question is before the Council no motion shall be entertained except: (a) to adjourn, (b) to recess, (c) to table, (d) for the previous question, (e) to



refer, (f) to amend, and (g) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate.

35. **COMMITTEE OF THE WHOLE:** When the Council shall decide to go into Committee of the Whole, without objection, the regular officers shall continue to serve, otherwise the Council shall appoint a Chairperson to preside, and the President of the Council shall leave the chair. The rules of the Council as far as applicable shall be observed in the Committee of the Whole, except that no limit shall be placed on the frequency of speaking, that the yeas and nays shall not be taken and that motion to rise and report progress shall always be in order and shall be decided without debate.

36. **MOTIONS TO BE STATED BY THE COUNCIL PRESIDENT - WITHDRAWAL:** When a motion is made and seconded, it shall be stated by the President before debate. Any member may demand that it be put in writing by the Clerk. A motion may not be withdrawn by the mover without the consent of the member seconding it.

37. **MOTION OUT OF ORDER:** The Council may at any time permit a member to introduce an ordinance, resolution, or motion out of the regular order.

38. **MOTION TO ADJOURN - WHEN NOT IN ORDER - NOT DEBATABLE: A MOTION TO ADJOURN IS IN ORDER AT ANY TIME, EXCEPT AS FOLLOWS:**

- (a) When repeated without intervening business or discussion;
- (b) When made as an interruption of a member while speaking
- (c) When the previous question has been ordered; and
- (d) While a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is to be adjourned.

39. **MOTION TO TABLE:** A motion to table precludes all amendments or debate of the subject under consideration. If the motion prevails, consideration of the subject in the same session may be resumed only upon the affirmative vote of at least 5 members of the Council.

40. **THE PREVIOUS QUESTION:** When the previous question is moved and seconded, there shall be no further amendment or debate; but pending amendments shall be put in the order before the main question. If a motion for the previous question fails, the main question and any pending amendments remain open for debate.

41. **AMEND AN AMENDMENT:** A motion to amend an amendment is in order, but one to amend an amendment to an amendment may not be introduced. An amendment modifying the intention of a motion is in order, but an amendment relating to a different motion is not in order.

42. **MOTION TO POSTPONE:** All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

43. **YEAS AND NAYS:** On the passage of every ordinance or resolution, the vote to be taken by yeas and nays and entered in full upon the record. Every member shall be required to vote, unless

excused for cause by vote of the Council. The vote shall be for or against a pending ordinance or resolution and not on the report of the committee thereon.

44. **PROCEDURE IN ABSENCE OF RULE:** In all cases where the parliamentary proceedings are not herein determined, "Roberts' Rules of Order" shall be taken as authority to decide the course of the proceedings.

45. **ANONYMOUS COMMUNICATIONS:** Unsigned communications may not be introduced in meetings.

46. **TIE VOTE:** In case of a tie in votes on any proposal, the proposal shall be declared lost except in a ruling by the President. In cases where the ruling of the chair is an issue, Rule 23 shall prevail.

## **ORDINANCES AND RESOLUTIONS**

47. **INTRODUCTION:** All Ordinances and resolutions shall be introduced in the Council in printed or written form.

48. **REVIEW:** All proposed ordinances shall be prepared by the City Attorney and by his certification that they are correct in form.

49. **PROCEDURE:** Art. 2, Sec. 9, City Charter. All ordinances, orders and resolutions except orders or resolutions making appropriations of money, shall be confined to the subject, which shall be clearly expressed in the title. The appropriation order or resolution shall be confined to the subject of appropriations only. No ordinance and no appropriation resolution shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed with by a 4/7 vote of the members of the City Council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of proceedings of the City Council by the Clerk. The yeas and nays shall be taken on the passage of any resolution when called for by a member of the City Council. Every ordinance shall require on final passage the affirmative vote of a majority of the members of the Council.

A. **Public hearing on ordinances:** Every ordinance before final passage shall be published in one or more newspapers published and circulated in Penobscot County and shall take effect and be in full force ten days from and after it shall have received final passage by the City Council and have been approved, in case such approval is required by law, by some justice of the Supreme Judicial Court.

Within ten days after its final passage or after said approval by such justice said ordinance shall be published in full in one or more of the newspapers in Penobscot County, but the failure to publish said ordinance, either before or after final passage shall not affect its validity or force. No resolution shall take effect until ten days after its passage.

B. **Emergency ordinance:** The City Council may, by vote of 5/7 of its members, pass

emergency resolutions to take effect at the time indicated therein, but such emergency orders or resolutions shall contain a section in which the emergency is set forth as defined.

## MISCELLANEOUS

50. **PRIVILEGE OF FLOOR:** No persons except members of the Council and officers named in the rules, and persons invited by the presiding officer of the Council or by vote of the Council, shall be admitted within the bar of the Council chamber, and the President shall cause this rule to be rigidly enforced.

51. **PERMISSION REQUIRED TO ADDRESS COUNCIL:** Persons other than members of the Council and City officers are not permitted to address the Council except with permission of the President.

52. **SUSPENSION OF RULES:** Any provisions of these rules not governed by the charter ordinances may be temporarily suspended at any meeting of the Council by majority vote. The vote on the suspension shall be taken by yeas and nays and entered upon the record.

53. **TO AMEND RULES:** These rules may be amended or new rules adopted by majority vote of the Council. An amendment must be submitted in writing at a preceding meeting and shall be placed on the next agenda under the order of new business.

Amended by Council: 12/06/99  
Amended by Council: 12/04/00  
Amended by Council: 01/08/01  
Amended by Council: 12/03/01  
Amended by Council: 02/05/07  
Amended by Council: 12/07/10  
Amended by Council: 12/03/12



## *City of Old Town*

**CITY OF OLD TOWN, MAINE  
RESOLUTION 2015-3  
RESOLUTION ESTABLISHING MEETING TIMES FOR THE CITY COUNCIL**

**WHEREAS**, According to Article II, Section 6 of Chapter 49 of 1945 Private and Special Laws, City Charter, the City Council shall at its first meeting, or as soon thereafter as possible, establish by resolution a regular place and times for holding meetings, and shall meet regularly at least once a month;

**WHEREAS**, The City Council deems it imperative to comply with this law;

**BE IT THEREFORE RESOLVED**, To hold regular meetings of the Council on the first Monday of each month at 7:00 p.m. in the Council Chambers at City Hall at 265 Main Street or such other location the Council determines. Should the meeting date fall on a legally stated holiday, then the meeting shall be held on the Tuesday following the holiday unless the City Council establishes some other time for holding the regular meeting.

**OLD TOWN CITY COUNCIL**

Dated: December 7, 2015

ATTEST:

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

Approved as to form:

Erik Stumpf  
City Attorney



**DECEMBER 7, 2015  
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 November 2, 2015 Regular Council Meeting, the November 4, 2015 and November 18, 2015 Special Council Meetings.**
- 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. School Board Liaison**
  - G. 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**

### **IX. OLD BUSINESS**

### **X. NEW BUSINESS**

1. The City Council will consider accepting a bid for replacement of the Police Departments camera system.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from North Star Protection, LLC in the amount of \$20,899.80 to replace the existing camera system in the Police Department as recommended by the Finance Committee. Funds are to come from the Capital Technical Equipment Reserve Account #7100-0414.

2. The City Council will consider entering into a Memorandum of Agreement with the River Coalition for the purpose of the Police Department conducting Alcohol Detection Details-Anonymous Tip Line Program.

Suggested motion: Resolved, the Old Town City Council hereby approves entering into a Memorandum of Agreement with the River Coalition for the purpose of the Police Department conducting Alcohol Detection Details-Anonymous Tip Line Program as recommended by the Finance Committee. The City Council further authorizes the Police Chief to execute said Agreement.

3. The City Council will consider authorizing the Airport Manager to sell the Cherokee Hangar at the Airport.

Suggested motion: Resolved, the Old Town City Council hereby authorizes the Airport Manager to take all necessary steps to sell the Cherokee Hangar at the Airport as recommended by the Finance Committee. The proceeds of the sale will go back into the Airport Hangar Reserve Account R0665.

4. The City Council will consider accepting a bid for city owned property at 61 Sixth Street.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from Robyn Emmons in the amount \$21,111.00 for land and building located at 61 Sixth Street. The Council further authorizes the City Manager to take all necessary actions to complete the transaction.

(Councilor Peterson)

5. The City Council will consider going into Executive Session for the purpose of discussing the FBRI building at the mill.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to Title 1, M.R.S.A., §405(6)(C) for the purpose of discussing the FBRI building at the mill.

(Councilor May)

## **XI. ADJOURNMENT**



## REGULAR COUNCIL MEETING – NOVEMBER 2, 2015

Council convened November 2, 2015 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Erik Stumpf, Patty Brochu, Lance Farrar, Miles Greenacre, Ron Harriman, Steve O'Malley and Scott Wilcox.

Others present: Two citizens in the audience.

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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 October 5, 2015 Regular Council Meeting and the October 21, 2015 Special Council Meeting. **Approved all in favor, 6-0.**

### **REPORTS**

Manager Mayo reported 1) Attended meeting last week with area Managers; 2) City has officially received the end of year Brownfield grant monies.

### **CONSENT AGENDA**

Councilor Roach, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1 through 11 as presented and as follows:

Item #1: Resolved, the Old Town City Council hereby appoints William Mayo and Patricia Brochu as Officers to the General Assistance Fair Hearing Appeals Board with a term to expire 12/31/2016.

Item #2: Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Barbara Bailey-Schmidt, located at 49 Willow Street for payment of 2016 RE taxes in the amount of \$2,625.96 and 2012 to present Sewer fees in the amount of \$2,630.81 for a total amount of \$5,418.26 which includes interest, lien costs and late redemption fee and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

Item #3: Resolved, the Old Town City Council hereby approves authorizing the Economic Development Director to prepare and submit an application to the Department



of Economic & Community Development for the City to become certified as a Business-Friendly Community.

Item #4: Resolved, the Old Town City Council hereby authorizes the Economic Development Director to expend funds in an amount not to exceed \$10,000 for the commercial appraisal of the FBRI site at the Mill as recommended by the LLC. Funds are to come from the Old Town Development LLC Account #03450.

Item #5: Resolved, the Old Town City Council hereby accepts a Grant received by the Old Town-Orono Fiber Corporation in the amount of \$250,000.

Item #6: Resolved, the Old Town City Council hereby approves authorizing the Economic Development Director to expend \$80,000 towards the extension of three miles of high-speed fiber for the infrastructure and \$12,500 for the engineering study as recommended by the LLC. Funds are to come from the Old Town Development LLC Account #03450.

Item #7: Resolved, the Old Town City Council hereby approves retaining the services of CES, Inc. to work on the Landfill Agreement with the State of Maine funding the work.

Item #8: Resolved, the Old Town City Council hereby authorizes the Public Works Director to sell the Baler at the Transfer Station to Pine Tree in the amount of \$7,500.

Item #9: Resolved, the Old Town City Council hereby authorizes the Public Works Director to enter into a Memorandum of Agreement with the MDEP to establish a procedure for reporting oil spills and discharges of less than 10 gallons.

Item #10: Resolved, the Old Town City Council hereby approves accepting a Grant from the U.S. Department of Justice in the amount of \$2,294.57 towards the purchase of 5 new Bullet Proof Vests for the Police Department. The City's share is \$1,956 and will come from Account #3000-0325 Public Safety Supplies.

Item #11: Resolved, the Old Town City Council hereby approves adding a fingerprinting fee of \$10.00 and Background Check fee of \$15.00 to the Public Safety Fee Schedule.

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

## **PUBLIC HEARINGS**

The City Council conducted a Public Hearing on a new application for a Taxi Business for Robert Millett, d/b/a Marty's Old Town Taxi.

Police Chief Scott Wilcox reported that one of his officers noticed one of Millett's cabs picking up clients at a local establishment knowing full well their license application

was not approved yet. Chief Wilcox recommended this be tabled until December to see if they comply.

Cab owner Robert Millett said the vehicle that was caught was used strictly for Lynx rides and he didn't know why the driver was there in Old Town as he was told not to.

No further discussion, Council President Mahan closed the hearing.

The City Council considered approval of a new application for a Taxi Business for Robert Millett.

Councilor Klitch, seconded by Councilor May, Resolved, the Old Town City Council hereby approves a new application for a Taxi Business for Robert Millett, d/b/a Marty's Old Town Taxi with the condition that only licensed cabs operate in Old Town otherwise the license will be revoked. **Approved all in favor, 6-0.**

The City Council conducted a Public Hearing on a new application for a Second Hand Shop for Wayne Davenport, d/b/a D.J. Store, 274 Main Street.

City Clerk Brochu reported that there were outstanding taxes owed to the city by the landlord. She recommended approval pending payment of all monies owed to the city.

There being no further comments, the Council President closed the hearing.

The City Council considered approval of a new application for a Second Hand Shop for Wayne Davenport.

Councilor Roach, seconded by Councilor Peterson, Resolved, the Old Town City Council hereby approves a new application for Second Hand Shop for Wayne Davenport, d/b/a D.J. Store, 274 Main Street pending all monies owed to the city is paid in full. **Approved all in favor, 6-0.**

## **SECOND READINGS**

The City Council conducted a Second Reading for final approval on a proposal to amend Chapter 21, titled Welfare, Appendices A, C & D (Food, Electricity & Utilities Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2015 through September 30, 2016. This amendment is a requirement of the Department of Human Services in compliance with Title 22, M.R.S.A. §4305(4).

There being no comments, the Council President closed the hearing.

The City Council considered final approval on a proposal to amend Chapter 21, Titled Welfare, Appendices A, C & D of the General Assistance Maximum Amounts.

Councilor Nuttall, seconded by Councilor May, Resolved, the Old Town City Council hereby approves a proposal to amend Chapter 21, titled Welfare, Appendices A, C & D (Food, Electricity & Utilities Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2015 through September 30, 2016 as presented in Attachment #1.

**Roll Call Vote:**

<i>Councilor McLeod</i>	<i>Absent</i>
<i>Councilor Nuttall</i>	<i>Yes</i>
<i>Councilor Peterson</i>	<i>Yes</i>
<i>Councilor Roach</i>	<i>Yes</i>
<i>Councilor Klitch</i>	<i>Yes</i>
<i>Councilor May</i>	<i>Yes</i>
<i>Councilor Mahan</i>	<i>Yes</i>

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

**NEW BUSINESS**

The City Council considered accepting the 2015 Department of Justice Community Oriented Policing Services (COPS) Grant. The Police Department has been awarded this 3 year grant in the amount of \$125,000 to be used to fund a School Resource Office. This Grant requires a City match of \$94,527.43 over the 3 years and the School Department has agreed to split all costs 50-50 that are not covered by the grant.

Councilor Klitch, seconded by Councilor Roach, Resolved, the Old Town City Council hereby accepts the 2015 Department of Justice Community Oriented Policing Services (COPS) Grant in the amount of \$125,000 over a 3 year period to be used to fund a School Resource Officer. The City's match of \$94,527.43 over the 3 year period is required and the School Department has agreed to split all costs 50-50 that are not covered by the Grant. **Approved all in favor, 6-0.**

The City Council considered authorizing the Airport Manager to repair the fence at the airport.

Councilor Peterson, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby authorizes the Airport Manager to expend funds to repair the fence at the in an amount not exceed \$20,000. Funds will come from the Airport Hangar Reserve Account #03560. **Approved all in favor, 6-0.**

The City Council considered authorizing the Finance Director to carry forward the following balances in the Municipal General Fund accounts and Pollution Control accounts. This is an annual year-end accounting authorization.

Councilor Nuttall, seconded by Councilor May, Resolved, the Old Town City Council hereby approves authorizing the Finance Director to carry forward funds in the Municipal General Fund accounts and Pollution Control accounts as listed in Exhibits A & B. **Approved all in favor, 6-0.**

The City Council considered accepting a bid for the construction of a storage building at the Airport.

Councilor Peterson, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby accepts the low bid from Greg Harvey Builders in the amount of \$67,250 to construct a storage building at the Airport. Funds will come from the Airport Hangar Reserve Account #03560. **Approved all in favor, 6-0.**

The City Council considered going into Executive Session for the purpose of discussing the City Manager's annual performance evaluation.

Councilor President Mahan postponed this item until the next meeting.

Councilor Klitch, seconded by Councilor Peterson, moved to adjourn at 7:33 p.m. **Approved all in favor, 6-0.**

Adjourned,

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



**SPECIAL COUNCIL MEETING – NOVEMBER 4, 2015**

Council convened November 4, 2015 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Patty Brochu and Scott Wilcox.

Others present: Two citizens in the audience.

\*\*\*\*\*

Council President Mahan called the meeting to order at 4:33 p.m.

**NEW BUSINESS**

The City Council considered accepting the Return of the Votes cast of the November 3, 2015 Regular Municipal Election.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby accepts the Return of the Votes cast of the November 3, 2015 Regular Municipal Election as presented. **Approved all in favor, 5-0.**

Councilor Klitch, seconded by Councilor Roach, moved to adjourn at 4:45 p.m. **Approved all in favor, 5-0.**

Adjourned,

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



## **SPECIAL COUNCIL MEETING – NOVEMBER 18, 2015**

Council convened November 18, 2015 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Carol May, John Nuttall and Eric Roach  
Councilors Linda McLeod absent. Stan Peterson arrived at 6:55 p.m.

Administration present: Bill Mayo, Erik Stumpf, Shannon Meister, Lance Farrar, Steve O'Malley, Dave Smith and Scott Wilcox.

Others present: Chris Blackie

\*\*\*\*\*

Council President Mahan called the meeting to order at 6:48 p.m.

### **REPORTS**

Manager Mayo: 1) He has a meeting scheduled December 1<sup>st</sup> with the Solid Waste committee regarding landfill expansion; 2) The Airport runway will be finished Friday or Monday; 3) Requests for proposals for financing the \$1 million Road Bond were sent out to four banks; TD Bank, Camden National, People's and Bangor Savings Bank. Bangor Savings Bank was accepted. The General Obligation Bond which will include the terms offered by Bangor Savings Bank will be back before the Council at the December 7<sup>th</sup> Regular Council Meeting for their signatures; 4) The final coat of pavement will be put down in the Spring.

### **CONSENT AGENDA**

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

Item #1: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Spirituous & Vinous Liquor License for Sirirat Thongoat, d/b/a Delicious Bangkok, 151 Main Street, Old Town, ME.

Item #2: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Vinous & Spirituous Liquor License for the VFW Post 3381, 64 Water Street.

Item #3: Resolved, the Old Town City Council hereby approves a Special Taste Testing (Beer) Event Permit for the Old Town Elks Lodge, 290 Fourth Street, to be held February 6, 2016 from 12 Noon until 5:00 p.m.

**Consent Agenda items unanimously approved, 5-0.**

## **NEW BUSINESS**

The City Council considered applying for federal funding from the United States Department of Agriculture Rural Development (USDA) for the purpose of financing the Pollution Control Three Pump Stations Replacement and upgrades. The estimated cost of this project is \$2,200,000.00.

Councilor Roach , seconded by Councilor May, Resolved, the Old Town City Council hereby supports the Pollution Control Department to apply for federal funding from the United States Department of Agriculture Rural Development (USDA) for the purpose of financing the Pollution Control Three Pump Stations Replacement and upgrades. The estimated cost of this project is \$2,200,000. **Approved all in favor, 5-0.**

The City Council considered ratifying the Recount Votes held on November 13, 2015 from the November 3, 2015 Regular Municipal Election.

Councilor Klitch, seconded by Councilor May. Resolved, the Old Town City Council hereby ratifies the Recount Votes that was held on November 13, 2015 for the November 3, 2015 Regular Municipal Election as presented in Exhibit A. **Approved all in favor, 5-0.**

The City Council considered going into Executive Session for the purpose of discussing the FBRI building at the mill.

Councilor Nuttall, seconded by Councilor Roach, Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to Title 1, M.R.S.A., §405(6)(C) for the purpose of discussing the FBRI building at the mill. **Approved all in favor, 5-0.**

Councilor Peterson arrived at 6.55 p.m.

Councilor Klitch, seconded by Councilor Nuttall, moved to come out of Executive Session at 7:30 p.m. **Approved all in favor, 6-0.**

The City Council considered going into Executive Session for the purpose of discussing the City Manager's annual performance evaluation.

Councilor May, seconded by Councilor Roach, Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to Title 1, M.R.S.A., §405(6)(A) for the purpose of discussing the City Manager's annual performance evaluation.

Councilor Klitch, seconded by Councilor Nuttall, moved to come out of Executive Session at 8:01 p.m. **Approved all in favor, 6-0.**

Councilor Nuttall, seconded by Councilor Roach, moved to adjourn at 8:21 p.m.  
*Approved all in favor, 6-0.*

Adjourned,

Shannon M. Meister, CCM  
Deputy Clerk-Old Town, ME





River Coalition  
 Partnership for a Healthy Northern Penobscot (PHNP)  
 PO Box 229  
 Old Town, Me 04468



**Memorandum of Understanding**  
**Re: Alcohol Detection Details – Anonymous Tip Line Program**

Partnership for a Healthy Northern Penobscot/River Coalition agrees to contract with City of Old Town Police Department to conduct Alcohol Detection Details, Compliance Checks and to collaborate on the Anonymous Tip Line Program (OTPD TIP) designated to address underage drinking issues:

The contract will run from October 1, 2015 – September 30, 2016.  
 Contract Amount: \$3,000

***City of Old Town Police Department will:***

- 1) Utilize the funds provided through this MOU to conduct Alcohol Detection Details and Compliance Checks in their jurisdiction. Alcohol Detection Details are defined as follows:
  - o Third party surveillance:
  - o Active Party Patrols:
  - o Road Blocks.
- 2) Complete the Aggressive Alcohol Enforcement Form within 14 days of a patrol. Submit invoices for payment. The invoice may be submitted either prior to, or upon completion of the planned detail.
- 3) Act as the centralized hub for all incoming SMS test and web tip reports for OTPD TIP. The Department will follow standard procedures for answering a call for service.
- 4) Collaborate with other law enforcement agencies receiving Alcohol Detection Detail and Anonymous Tip Line Program funding to conduct coordinated efforts when possible.

To be agreed upon by:

Signature: Linda McJee Date October 30, 2015  
 Partnership for a Healthy Northern Penobscot/River Coalition

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 City of Old Town Police Department

## 61 Sixth Street Bids

December 3, 2015

<u>Bidder</u>	<u>Amount of Bid</u>	<u>Bid Deposit</u>
1. Robyn Emmons 488 W. Old Town Rd Old Town, ME 04468	\$ 21,111.00	\$ 2,200.00
2. Danielle Dupuis 213 Cedar Breeze South Glenburn, ME 04401	\$ 17,229.00	\$ 1,722.90
3. Chris & Glenna Washburn 125 Middle Street Old Town, ME 04468	\$ 16,587.00	\$ 1,700.00
4. Jared More 82 Sixth Street Old Town, ME 04468	\$ 15,153.00	\$ 1,515.30