



**FEBRUARY 1, 2016
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**
- 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 & 4)

Suggested motion: Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, 3 & 4 as presented.

(Councilor Peterson)

VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

IX. OLD BUSINESS

X. NEW BUSINESS

1. The City Council will consider amending the Councils Rules of Order and Procedure by deleting F. School Board Liaison under Section 32 Order of Business.

Suggested motion: Resolved, the Old Town City Council hereby amends Section 32 Order of Business of the Council Rules of Order and Procedure by deleting “F. School Board Liaison” from the Agenda Reports section.

2. The City Council will consider renewing the annual Plumbing Inspector appointments.

Suggested motion: Resolved, the Old Town City Council hereby appoints:

<u>Committee</u>	<u>Term Expires</u>
Plumbing Inspector:	
David Russell, Re-appointment	12/31/2016
Bill Murphy (Alternate) Re-appointment	12/31/2016

3. The City Council will consider accepting criminal forfeiture monies in the amount of \$5,170.00 in the case of the State of Maine vs. Joshua Tidwell.

Suggested motion: Resolved, the Old Town City Council hereby accepts criminal forfeiture monies in the amount of \$5,170.00 in the case of the State of Maine vs. Joshua Tidwell as the Old Town Police Department made a substantial contribution to this investigation.

4. The City Council will consider renewing the Animal Control Agreement with Penobscot County for Animal Control Services in the City at a cost of \$4,800.

Suggested motion: Resolved, the Old Town City Council hereby approves renewing the Animal Control Agreement with Penobscot County in the amount of \$4,800.00 for Animal Control Services in the City.

5. The City Council will consider an offer from Thornton Construction to purchase Edging and Drift Island, located on Tax Map 25, Lot 250 in the amount of \$10,000.00.

Suggested motion: Resolved, the Old Town City Council hereby accepts the offer from Thornton Construction in the amount of \$10,000.00 for the purchase of Edging and Drift Island, located on Tax Map 25, Lot 250. The City Council further authorizes the City Manager to execute all necessary documents to complete the transaction.

(Councilor Nuttall)

6. The City Council will consider accepting a bid to replace the Polymer System at the Pollution Control Plant. This was approved and recommended by the Sewer Advisory Board at their December 11, 2015 Meeting.

Suggested motion: Resolved, the Old Town City Council hereby accepts the low bid from Poly Blend in the amount of \$10,755 to replace the Polymer System at the Pollution Control Plant. Funds are to come from Account #0815-0414 Other Capital Outlay.

(Councilor May)

7. The City Council will consider a recommendation from the Maine Department of Transportation to install a red and yellow blinking light at the intersection of Brunswick and Center Streets. The MDOT will fund the estimated cost of \$20,000 for the installation. The City's responsibility will be to fund the operations, maintenance and any necessary repairs once installed.

Suggested motion: Resolved, the Old Town City Council hereby approves the installation of a red and yellow blinking light at the intersection of Brunswick and Center Streets as recommended by the MDOT. The MDOT will fund the estimated cost of \$20,000 for the installation.

(Councilor McLeod)

8. The City Council will consider accepting a low bid for a Plow Truck Chassis for the Public Works Department.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from Freightliner of Maine in the amount of \$61,318 with trade-in for the purchase of a 2017 Freightliner Plow Truck Chassis for the Public Works Department. This is a budgeted item and funds are to come from Account #7000-0414 Capital Heavy Equipment Reserve.

(Councilor May)

9. The City Council will consider accepting a bid for a side dump body and plow that goes with the Plow Truck Chassis for the Public Works Department.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from Viking Civies in the amount of \$65,705 for the purchase of a side dump body and plow for the Public Works Department. This is a budgeted item and funds are to come from Account #7000-0414 Capital Heavy Equipment Reserve.

(Councilor Nuttall)

10. The City Council will consider accepting a bid for a Vacuum Sweeper Truck for the Public Works Department.

Suggested motion: Resolved, the Old Town City Council hereby accepts the bid from Viking Civies in the amount of \$249,725 with trade-in for the purchase of a 2016 Johnston Vacuum Sweeper Truck for the Public Works Department. This is a budgeted item and funds are to come from Account #7000-0414 Capital Heavy Equipment Reserve.

(Councilor McLeod)

11. The City Council will consider approval of a renewal application for a Malt, Spirituous & Vinous Liquor License and a Special Amusement Permit (no dancing) for John Rondo, 268 Main Street.

Suggested motion: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Spirituous & Vinous Liquor License and Special Amusement Permit (no dancing) for John Rondo d/b/a Yamas, 268 Main Street.

(Councilor Klitch)

12. The City Council will consider authorizing the expenditure of \$30,000 as local matching funds to submit a CDBG Micro Enterprise Grant application to the Department of Economic & Community Development. The program will be used to assist targeted downtown business/property owners with improvements to building facades.

Suggested motion: Resolved, the Old Town City Council hereby approves the submission of a CDBG Micro Enterprise Grant application to the Department of Economic & Community Development and commits \$30,000 in local matching funds to be used toward a program to improve downtown building facades. Funds are to be transferred from the LLC Account #03450 to Account#1215-0299 Economic Development Contractual.

(Councilor Roach)

13. The City Council will consider going into Executive Session for the purpose of discussing an economic development issue relating to the Expera Mill.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to MRSA Title 405, Section (6)(C) for the purpose of discussing an economic development issue relating to the Expera Mill.

(Councilor May)

XI. ADJOURNMENT

JANET T. MILLS
ATTORNEY GENERAL



TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

December 30, 2015

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

Chief Scott Wilcox
Old Town Police Department
150 Brunswick Street
Old Town, ME 04468

RE: State of Maine vs. Joshua Tidwell
Penobscot County Superior Court Doc. No. CR-15-2329 - **Criminal Forfeiture**
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Wilcox:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

- A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**
- B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;
- C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law

enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patrick Larson for".

Patrick Larson
Assistant Attorney General

PL/plk

Enclosure

STATE OF MAINE
PENOBSCOT, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-15-2329

State of Maine	}	
	}	
v.	}	Municipality of Old Town
	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Joshua Tidwell,	}	
Defendant;	}	
	}	
And	}	
	}	
\$5,170.00 U.S. Currency,	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Old Town, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) In Rem (\$5,170.00 U.S. Currency), or any portion thereof, on the grounds that the Old Town Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Old Town, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Old Town municipal legislative body on or about

_____.

Dated: _____

Municipal Officer
Old Town, Maine
(Impress municipal legislative body seal here)

Patty Brochu

From: Ron Harriman <ronharriman5@gmail.com>
Sent: Thursday, January 07, 2016 1:57 PM
To: Patty Brochu
Cc: Bill Mayo
Subject: 2/1 Council Meeting

Hi Patty,

I am preparing to submit a CDBG Micro Enterprise Grant application to the Department of Economic & Community Development. The LLC has approved \$30,000 in local matching funds for this program. This was discussed with the Council at the last meeting. The program will be used to assist targeted downtown business/property owners with improvements to building facades.

Please place this item on the 2/1 agenda for approval of the \$30,000 and approval to submit the application.

Ron

Order:

The City Council approves submission of a Micro Enterprise grant application to DECD and commits \$30,000 in local matching funds to be used toward a program to improve downtown building facades.