



**MAY 4, 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 April 6, 2015 Regular Council Meeting, the April 15, 2015 and April 21, 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, 4, 5, 6, 7 & 8)**

Suggested motion: Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, 3, 4, 5, 6, 7 & 8 as presented.

(Councilor McLeod)

## VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

### IX. OLD BUSINESS

### X. NEW BUSINESS

1. The City Council will consider accepting an after deadline redemption on foreclosed property for Shannon Gallant & Daniel Baker, located at 345 Fourth Street for payment of 2012 to present Sewer fees in the total amount of \$2,194.97.

Suggested motion: Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Shannon Gallant & Daniel Baker, located at 345 Fourth Street for payment of 2012 to present Sewer fees in the amount of \$2,194.97 which includes interest, lien costs and late redemption fee and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

2. The City Council will consider accepting an after deadline redemption on foreclosed property for Lesley & John Bajkowski, located at 691 Main Street for payment of 2012 to present Sewer fees in the total amount of \$1,226.53.

Suggested motion: Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Lesley & John Bajkowski, located at 691 Main Street for payment of 2012 to present Sewer fees in the amount of \$1,226.53 which includes interest, lien costs and late redemption fee and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

3. The City Council will consider approval of a renewal application for a Malt, Spirituous & Vinous Liquor License and a Special Amusement Permit for Christopher Trudel & Warren Morgan d/b/a Riverfront Pub.

Suggested motion: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Spirituous & Vinous Liquor License and a Special Amusement Permit for Christopher Trudel and Warren Morgan, d/b/a Riverfront Pub, 18 Water Street.

4. The City Council will consider approval of an application from Cindy Jennings, Director of the Old Town Public Library for a Major Special

Event Permit for the Summer Concert Series to be held in the Riverfront Park and to waive the Permit fee.

Suggested motion: Resolved, the Old Town City Council hereby approves an application from Cindy Jennings, Director of the Old Town Public library, for a Major Special Event Permit for the Summer Concert Series to be held in the Riverfront Park and to waive the Permit fee.

5. The City Council will consider approval of an application from Old Town Boosters for a Major Special Event Permit for Smokey's Greater Shows to be held in the Riverfront Park and to waive the Permit fee.

Suggested motion: Resolved, the Old Town City Council hereby approves an application from Old Town Boosters, for a Major Special Event Permit for Smokey's Greater Shows to be held in the Riverfront Park from June 15, 2015 to June 21, 2015 and to waive the Permit fee.

6. The City Council will consider approval of an application from Tim Caliandro of Birmingham Funeral Home for a Major Special Event Permit to hold a Memorial Day Parade and "We Honor Veterans" Celebration in the Riverfront Park.

Suggested motion: Resolved, the Old Town City Council hereby approves an application from Tim Caliandro of Birmingham Funeral Home, for a Major Special Event Permit to hold a Memorial Day Parade and "We Honor Veterans" Celebration in the Riverfront Park on May 25, 2015 and to waive the Permit fee.

7. The City Council will consider approval of an application from Brooke Gardner of City Reach Old Town for a Major Special Event Permit to hold the Convoy of Hope Event in the Riverfront Park.

Suggested motion: Resolved, the Old Town City Council hereby approves an application from Brooke Gardner of City Reach Old Town for a Major Special Event Permit to hold the Convoy of Hope Event in the Riverfront Park on September 18 & 19, 2015 and to waive the Permit fee.

8. The City Council will consider re-appointments to the Old Town Economic Development LLC Committee.

Suggested motion: Resolved, the Old Town City Council hereby appoints the following members with 3-Year terms to expire April 18, 2018:

John Birmingham – Retail Shop  
Lloyd Hall – Citizen  
Stu Harvey – President of UMaine designee  
Joe Pluff – Citizen  
Ron Harriman – Old Town City Manager designee

9. The City Council will hear an update from Phil Ruck of Stillwater Environmental Engineering on MS4 Stormwater.
10. The City Council will consider the sale of a portion of city property as shown on Assessor's Map 23, Lot 32 to Martin & Tracey Ferwerda of 29 Sewall Drive. This parcel will measure approximately 58' by 78', 4,524 square feet. (.10+/- acres). The Ferwerda's will be responsible for the surveying of the property, deed description, the recording of the deed in the registry, any legal expenses and for any and all other cost associated with this transaction.

Suggested motion: Resolved, the Old Town City Council hereby agrees to sell a portion of city property as shown on Assessor's Map 23, Lot 32 to Martin & Tracey Ferwerda of 29 Sewall Drive, in the amount of twenty-five hundred (\$2,500) dollars. This parcel measures approximately 58' by 78', 4,524 square feet. (.10+/- acres). Actual dimensions will be verified in the field by a licensed surveyor and reflected accurately within the deed. The Ferwerda's will be responsible for the surveying of the property, deed description, the recording of the deed in the registry, any legal expenses and for any and all other cost associated with this transaction. The Council further authorizes the City Manager to execute said sale.

(Councilor Nuttall)

11. The City Council will consider granting an Easement to Mr. Thomas Shanos, property owner of 266 Main Street, or his assigns to enable them to construct an outdoor patio area for dining. Mr. Shanos, or his assigns will be responsible for any and all cost associated with recording the easement.

Suggested motion: Resolved, the Old Town City Council hereby grants an Easement to Mr. Thomas Shanos, or his assigns on a portion of City property adjacent to 266 Main Street as shown on Assessors Map 26, Lot 1 as depicted in exhibit A. Actual dimensions will be verified in the field and reflected accurately within the lease agreement. Mr. Shanos, or his assigns will be responsible for any and all costs associated with recording the Easement at the Penobscot County Registry of Deeds. The Council further authorizes the City Manager to execute said Easement.

(Councilor Peterson)

12. The City Council will consider authorizing the Finance Director to transfer funds from Fund Balance and establish an account to be used for the City's 175<sup>th</sup> Anniversary Celebration and further authorize the City Clerk to approve the expenditures.

Suggested motion: Resolved, the Old Town City Council hereby authorizes the Finance Director to transfer \$5,000 from Account #03800 Fund Balance to the newly established Account #45600 175<sup>th</sup> Anniversary Celebration and further authorize the City Clerk to approve the expenditures.

(Councilor McLeod)

13. The City Council will consider discussing the Council Qualifications language prepared by the City Attorney which will require a change to the City's Charter through a Referendum Election. This item was voted upon by the Administrative Services Committee to recommend approval to the full Council but the motion failed 2-2. Councilor McLeod made a motion to move this on to the full council for further consideration.

14. The City Council will review and consider approval of a draft decision and order concerning the dangerous building proceeding for the property at 614 Main Street, Old Town, Maine.

Suggested motion: Resolved, the draft decision and order of the City Council concerning the dangerous building proceeding for the property at 614 Main Street is hereby approved as presented.

(Councilor Roach)

15. The City Council will consider going into Executive Session for the purpose of consulting with the City Attorney the City's legal rights and duties pertaining to the Red Shield Bankruptcy proceedings.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to MRSA, Title 405 (6) (E) for the purpose of consulting with the City Attorney the City's legal rights and duties pertaining to the Red Shield Bankruptcy proceedings.

(Councilor Nuttall)

## **XI. ADJOURNMENT**



## REGULAR COUNCIL MEETING – APRIL 6, 2015

Council convened April 6, 2015 at the Old Town City Council Chambers on 265 Main Street.

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

Administration present: Bill Mayo, Erik Stumpf, Patty Brochu, Lance Farrar, Ron Harriman, John Rouleau, David Russell and Scott Wilcox.

Others present: Seven citizens in the audience and news media.

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In the absence of Council President Mahan, City Clerk Brochu called the meeting to order at 7:00 p.m.

Clerk Brochu called for nominations for a Council President Pro-Temp.

Councilor McLeod, seconded by Councilor May, moved to elect Councilor Stan Peterson as President Pro-Temp. Approved all in favor, 5-0.

Councilor McLeod, seconded by Councilor Nuttall, moved to approve the Minutes of the March 18, 2015 Special Council Meetings. Approved all in favor, 5-0.

### REPORTS

Councilor Peterson introduced Debra Boyd who is the new YMCA Director.

Manager Mayo: 1) reported the National White Water Competition is being held in Old Town from July 22<sup>nd</sup> to the 26<sup>th</sup>; 3) He's been in contact with Penobscot Nation regarding the City's 175<sup>th</sup> Anniversary Celebration that will take place in conjunction with Riverfest the end of September.

### CONSENT AGENDA

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

Item #1: Resolved, the Old Town City Council hereby accepts the quote from Petro2go in the amount of \$34,649.00 for the purchase of a fuel trailer for the Airport. Funds are to be transferred from #03560 to Account #1300-0414 Airport Other Capital Outlay.

AIRPORT  
Bid accepted from  
Petro2go for fuel  
trailer

Item #2: Resolved, the Old Town City Council hereby appoints Gary Cyr to fill a vacancy on the DeWitt Field Airport Advisory Committee with term to expire 12/31/2018.

**APPOINTMENT**  
Gary Cyr/ Airport  
Advisory Comm.

Item #3: Resolved, the Old Town City Council hereby approves a renewal application for a Malt & Vinous Liquor License for Joseph Perdue, d/b/a Hidden Meadows Golf Course, 240 W. Old Town Road.

**LICENSES**  
Liquor Lic approv'd/  
Hidden Meadows

**Consent Agenda item approved all in favor, 5-0.**

## **SECOND READINGS**

The City Council conducted a Second Reading for final approval on a proposal to amend Chapter 12 Titled Nuisances by adding Sections 12-64 through 12-70 Titled Fireworks Ordinance.

**ORDINANCE**  
Chap. 12/ Fireworks  
Ord adopted

Councilor Roach, seconded by Councilor Nuttall, Resolved, the Old Town City Council hereby approves a proposal to amend Chapter 12 Titled Nuisances by adding Sections 12-64 through 12-70 Titled Fireworks Ordinance as presented in Attachment 1.

Councilor Peterson noticed that the end time for the Fourth of July still read 10:00 p.m. and he thought it was agreed to change that to 12 midnight.

Councilor McLeod, seconded by Councilor May, moved to amend Section 12-69.1 that limits the time for July 4<sup>th</sup> from 10:00 p.m. to 11:59 p.m.

### **Roll Call Vote on Amendment:**

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

### **Amendment approved all in favor.**

### **Roll Call Vote on original motion as amended:**

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

### **Motion approved all in favor.**



## OLD BUSINESS

The City Council considered removing the item concerning a Dangerous Building at 614 Main Street from the table. This item was tabled at the March 18th Special Council Meeting.

DANGEROUS BLDGS  
Hearing Cont'd  
614 Main St. deemed  
dangerous building  
- Demo discussed

Councilor McLeod, seconded by Councilor Roach, Resolved, the Old Town City Council hereby removes the item concerning a Dangerous Building at 614 Main Street from the table. Approved all in favor, 5-0.

The City Council continued a hearing to determine if building(s) or other structures(s) located on the property at 614 Main Street, Old Town, Maine is or is not a dangerous building.

City Attorney Stumpfel noted this hearing is continued from the March 2<sup>nd</sup> Council Meeting due to owners only being served that day. He said the owners were sent certified letters to let them know the date and time of the hearing. Winnie Osnoe signed the certified receipt on March 30<sup>th</sup> and Bertha Osnoe signed on March 18th. He said he received a call from Bertha Osnoe and she did not object to the city tearing the building down and she signed a statement to that effect.

Code Officer Russell informed the Council that he went and looked at the garage with Public Works Director Rouleau. He said the building was full of combustibles that caused him concern. He said the structure was starting to bow and that it should come down as well. He also felt he would leave it up to Fire Department whether they wanted to burn for training.

Code Officer Russell further explained the building was abandoned after fire and read the criteria for a dangerous building. He said it's structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment.

Councilor May, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby finds that the property owned by Winnie Osnoe and Bertha Osnoe, located at 614 Maine Street, Old Town, Maine (recorded in Book 10981, Page 184 at the Penobscot Registry of Deeds) along with Nationstar Mortgage LLC as mortgage holder (recorded in Book 12724, Page 28, Penobscot Registry of Deeds) IS a "Dangerous Building" as defined in 17 MRSA, Section 2851. Motion approved all in favor, 5-0.

Councilor McLeod, seconded by Councilor May, moved to discuss the demolition of the buildings. Approved all in favor, 5-0.

Attorney Stumpfel said the Council should give the owners a chance to go in and get their personal belongings.

Councilor McLeod said she was not comfortable with having in burned and would rather see it demolished. David Russell said if it was burned, the remnants would have to go to Juniper Ridge. John Rouleau said it would cost around \$7,000 to demolish it and the lot would be all cleaned up. Mr. Russell added that it will still be a buildable lot. Mr. Rouleau asked how long to give them to get their stuff out and Attorney Stumpf suggested 30 days and that would also cover the appeal process time. The Council agreed.

## **NEW BUSINESS**

The City Council considered approval to amend an Interlocal Agreement with the Town of Orono and University of Maine regarding the Establishment and Operation of a Municipal Fiber Corporation. The original Agreement was executed on or about March 13, 2014.

**AGREEMENT**  
Interlocal agree-  
ment w/ Orono &  
UM Amended

Councilor Roach, seconded by Councilor May, Resolved, the Old Town City Council hereby approves an amendment to the Interlocal Agreement with the Town of Orono and University of Maine regarding the Establishment and Operation of a Municipal Fiber Corporation.

Manager Mayo noted the corporation may request funds but no requests will be obligated. They are hoping to fund this with Grant monies. Councilor Roach asked what in kind resources were coming from the University. Ron Harriman responded it was mostly Jeff Letourneau's time.

### **Motion approved all in favor, 5-0.**

The City Council considered granting a Permanent Easement to Mr. & Mrs. Neal Rogers of 39 Spring Street to enable them to build a garage on their property. The Rogers's will be responsible for any and all cost associated with recording the Easement.

**EASEMENT**  
Permanent Easement  
Granted to Rogers  
of 39 Spring St

Councilor Peterson, seconded by Councilor May, Resolved, the Old Town City Council hereby grants a Permanent Easement to Mr. & Mrs. Neal Rogers of 39 Spring Street and located on Tax Map 15, Lot 1. The Rogers will be responsible for any and all costs associated with recording the Easement at the Penobscot County Registry of Deeds. The Council further authorizes the City Manager to execute said Easement.

Code Officer Russell explained the Rogers approached him a year ago and he has been trying to come up with a solution so they can build a garage and this was their only option.

### **Motion approved all in favor, 5-0.**

The City Council received an update from Public Works Director John Rouleau on the CDD Landfill closure.

**CDD LANDFILL**  
Update from PW  
Director on  
closure

Director Rouleau informed them the city technically no longer qualifies for any grants but LD580 has been introduced in Augusta. He said that if the city was licensed before 1999 then they will qualify. Engineering Consulting is still ongoing with the DEP in Augusta and a company has been contracted to work on this. The Bangor DEP has asked the city to move forward with closure.

Councilor May, seconded by Councilor Nuttall, moved to Suspend the Council Rules to take up an item not on the Agenda. **Approved all in favor, 5-0.**

The City Council considered authorizing the City Manager to execute a Real Estate Option Agreement for the Jefferson Street School. The purchase price is \$10,000.00.

**AGREEMENT**  
**Real Estate Option**  
**Agreement for**  
**Jefferson St**  
**School approved**

Councilor Nuttall, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby authorizes the City Manager to execute a Real Estate Option Agreement for the Jefferson Street School located at 21 Jefferson Street. **Approved all in favor, 5-0.**

The City Council considered going into Executive Session for the purpose of consulting with the City Attorney the City's legal rights and duties pertaining to the Red Shield Bankruptcy proceedings.

**EXECUTIVE SESSION**  
**Red Shield**  
**Bankruptcy**

Councilor Nuttall, seconded by Councilor Roach, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:52 p.m. pursuant to MRSA, Title 405 (6) (E) for the purpose of consulting with the City Attorney the City's legal rights and duties pertaining to the Red Shield Bankruptcy proceedings. **Approved all in favor, 5-0.**

Council President Pro-temp called for a 5 minute recess.

Council reconvened at 7:57 p.m.

Councilor McLeod, seconded by Councilor May, moved to come out of Executive Session at 8:15 p.m. **Approved all in favor, 5-0.**

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

**EXECUTIVE SESSION**  
**Personnel Matter**

Councilor May, seconded by Councilor Nuttall, Resolved, the Old Town City Council hereby approves going into Executive Session at 8:15 p.m. pursuant to MRSA Title 405, Section (6)(A) for the purpose of discussing a Personnel matter. **Approved all in favor, 5-0.**

Councilor McLeod, seconded by Councilor May, moved to come out of Executive Session at 9:35 p.m. **Approved all in favor, 5-0.**

Councilor McLeod, seconded by Councilor Nuttall, moved to adjourn at 9:35 p.m. **Approved all in favor, 5-0.**

Adjourned,

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



**SPECIAL COUNCIL MEETING – APRIL 15, 2015**

Council convened April 15, 2015 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Erik Stumpfel, Patty Brochu, Steve O’Malley, John Rouleau, Travis Roy and Scott Wilcox.

Others present: Two Citizens in the audience.

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Council President Mahan called the meeting to order at 6:56 p.m.

**REPORTS**

Manager Mayo reported: 1) Attended the Airport Advisory Meeting this morning, bids on the runway construction will be in next week; 2) The 175<sup>th</sup> Anniversary Committee also met this morning and they will be meeting every two weeks; 3) There’s a meeting scheduled with Wright-Pierce on April 29<sup>th</sup> at 1:00 p.m.; 4) Work still being done on the CDD Landfill; 5) LD580 passed in committee today so funding is extending to 2025; 6) The article in the BDN reporting on the fire at the Mill and their employees had put it out was wrong as the Fire Department were the ones to put it out.

**NEW BUSINESS**

The City Council considered appointing three members to the Municipal Fiber Corporation as required in the Interlocal Agreement.

**APPOINTMENTS**  
3 Members appointed to Mun. Fiber Corp.

Councilor Roach, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby appoints the following to the Municipal Fiber Corporation:

<b><u>Member</u></b>	<b><u>Term</u></b>
Ronald Harriman	3-Years
Bruce Segee	2-Years
Lisa Gallant	1-Year

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

The City Council considered accepting an after deadline redemption on foreclosed property for Keith E. Holland, located at 37 Oak Street for payment of 2013, 2014 & 2015 Sewer fees in the total amount of \$1,215.85 which includes interest, lien costs and late redemption fee and further authorize the City Manager to execute a Municipal Quit-Claim Deed.

**LATE REDEMPTION**  
Keith Holland/  
accepted

Councilor Nuttall, seconded by Councilor May, Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Keith E. Holland, located at 37 Oak Street for payment of 2013, 2014 & 2015 Sewer fees in the amount of \$1,215 .85 which includes interest, lien costs and late redemption fee and further authorize the City Manager to execute a Municipal Quit-Claim Deed. **Approved all in favor, 6-0.**

**EXECUTIVE SESSION**  
**Expera's Tax Appeal**

The City Council considered going into Executive Session for the purpose of consulting with the City Attorney the City's legal rights and duties pertaining to Expera's appeal of their Tax Valuation.

Councilor May, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:03 p.m. pursuant to MRSA, Title 405 (6) (E) for the purpose of consulting with the City Attorney the City's legal rights and duties pertaining to Expera's appeal of their Tax Valuation. **Approved all in favor, 6-0.**

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

Councilor Peterson, seconded by Councilor May, moved to adjourn at 7:45 p.m. **Approved all in favor, 6-0.**

Adjourned,

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



## SPECIAL COUNCIL MEETING – APRIL 21, 2015

Council convened April 21, 2015 in the Old Town City Council Chambers at 265 Main Street.

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

Administration present: Bill Mayo, Erik Stumpfel and Patty Brochu.

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

### REPORTS

Manager Mayo reported 1) The Airport Manager has been looking at Generators for the airport and the ME Forestry got a deal in New York for a spare one that's free, they just need to drive there to get it. They are willing to leave it stationed for use at the airport but would like the City to supply a pickup truck and driver to go get it; 2) He received an email from Jeff Plourde regarding the Jefferson Street School building stating it will take them 10 months to get the tax credit so they won't be able to start construction until then.

### NEW BUSINESS

#### TAX PAYMENT REQUEST

Expera request for City to accept partial payment of taxes/not approved

The City Council considered accepting payment of 2014-2015 Real Estate and Personal Property taxes owed by Expera. On April 7, 2008 the City Council passed Resolution 2008-4 on Payment of Taxes. It states the Tax Collector shall apply all tax payments to the oldest balance due on the account regardless of any instructions the taxpayer may give. It further states that an agreement may be worked out with Council approval to accept the payment. The 2013-2014 Real Estate & Personal Property Taxes remain unpaid.

Councilor McLeod, seconded by Councilor May, Resolved, the Old Town City Council hereby accepts the payment of \$1, 061,313.08 (includes interest) from Expera for 2014-2015 Real Estate and Personal Property taxes.

City Attorney Stumpfel said there were a couple of Statutory Laws that will apply if the Mill files for an appeal and it states they must pay the taxes in full that are owed first. They cannot appeal the 2013-2014 taxes as it's too late.

Both the City Attorney and City Manager do not recommend approving this motion. The Mill was supposed to send the money last Friday April 17<sup>th</sup> and it still has not been received. The Consensus of the Council is the Mill needs to pay their taxes.

They received a 1.6 Million Dollar Credit in Bankruptcy Court just for that purpose when they purchased it.

**Motion to accept the payment failed, all opposed 0-6.**

Councilor May, seconded by Councilor Nuttall, moved to adjourn at 4:47 p.m.

**Approved all in favor, 6-0.**

Adjourned,

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



Martin & Tracey Ferwerda  
29 Sewall Drive  
Old Town, ME 04468  
207-991-7794

April 6, 2015

Old Town City Council  
265 Main Street  
Old Town, Maine 04468

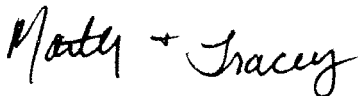
Dear Council Members,

We are property owners at 29 Sewall Drive (tax map/lot # 023-054). We are interested in acquiring a portion of city owned property (tax map/lot # 023-032), located at 1 Fourth Street that abuts our property. We are interested in building a garage and acquiring a small portion of this property would facilitate this endeavor. The section of interest is small, measuring approximately 58 x 75 feet.

We are also abutting property owners with the Elks Club and have contacted them with a similar proposal to purchase a corner of their property located at 37 Fourth Street (tax map/lot # 023-031) that abuts our property; again with the intention to build a garage.

We look forward to discussing this matter with you, including a willingness to pay surveying and legal fees.

Sincerely,



Martin & Tracey Ferwerda

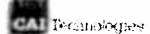


Old Town, ME  
1 Inch = 58 Feet  
April 27, 2015



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[www.cai-tech.com](http://www.cai-tech.com)



## **City of Old Town Suggested Charter Amendment**

### **City Council Member Qualifications**

Revised 4/9/2015

RESOLVED: Article II, Section 3 of the City Charter of the City of Old Town is hereby amended by inserting a new second paragraph, as follows:

No person may qualify or serve as a member of the Old Town city council if that person is currently married to a person who holds the position of Old Town city manager or head of any city department. A candidate may seek election to the city council notwithstanding disqualification under this paragraph, provided that if elected, the disqualification must be removed by resignation of the candidate's spouse from the position concerned no later than the first regular city council meeting following the candidate's election. If the disqualification has not been removed by such date, the candidate shall not be seated and the remaining city council members shall declare a vacancy, to be filled in accordance with Article II, section 5 of this charter. A city council member duly elected and qualified shall be deemed no longer qualified, and a vacancy declared in accordance with Article II, section 5, if the council member's spouse is appointed to and accepts the position of Old Town city manager or department head during the term for which the council member has been elected.

**CITY OF OLD TOWN, MAINE  
CITY COUNCIL**

**In re 614 Main Street, Old Town Maine  
Dangerous Building Hearing 17 M.R.S. section 2871 *et seq.***

**FINDINGS OF FACT, DECISION AND DISPOSITION ORDER**

Pursuant to Title 17 M.R.S. section 2871, following notice and hearing, the City Council of the City of Old Town, Maine, acting as the municipal officers of the City, enter the following Findings of Fact, Decision and Disposition Order with respect to the property located at 614 Main Street, Old Town, Maine.

Procedural History

This matter was brought to the City Council upon recommendation of the City's Code Enforcement Officer, David C. Russell.

A hearing by the City Council, acting as the municipal officers pursuant to section 2871, was scheduled for March 2, 2015 at 7:00 p.m., in the City Council chambers.

A Notice of Hearing was served by the Kennebec County Sheriff's Department on Corporation Service Company, Augusta Maine, as registered agent for party-in-interest Nationstar Mortgage, LLC, on February 17, 2015.

Notices of Hearing were served by the Penobscot County Sheriff's Department on Bertha Osnoe and Winnie Osnoe as owners of the property, on February 27, 2015.

The Council's hearing was opened on March 2, 2015, with Code Enforcement Officer providing testimony and copies of photographs depicting the history and condition of the property, including a recent re-inspection. Nationstar Mortgage, LLC, Bertha Osnoe and Winnie Osnoe did not appear personally or by their legal representatives at the hearing.

Due to late service of the Notices of Hearing on Bertha Osnoe and Winnie Osnoe, the hearing was kept open until April 6, 2015 at 7:00 p.m. Certified mail letters notifying the Osnoes of the continued hearing date were sent on March 12, 2015. The letters were signed for by Theo Osnoe (for Bertha) on March 18<sup>th</sup> and by Winnie Osnoe on March 30<sup>th</sup>.

Bertha Osnoe contacted the City Attorney telephonically concerning the hearing on March 24<sup>th</sup>. An undated letter from Bertha Osnoe, consenting to the demolition of the house at 641 Main Street, was received by the City Attorney on April 2<sup>nd</sup>.

The Council's hearing resumed on April 6, 2015. Nationstar, Bertha Osnoe and Winnie Osnoe did not attend, in person or by their legal representatives. The City Council received additional information from the Code Enforcement Officer concerning the property, specifically in regard to the condition of the garage on the property and Bertha Osnoe's suggestion, in her letter to the City Attorney, that the property be used by the fire department for a fire training exercise.

Following close of the hearing and Council discussion, the City Council, on motion of Council member Carol May, found by a 5-0 vote that the structures located on 614 Maine Street are dangerous within the meaning of 17 M.R.S. section 2871, and should be demolished. The City Attorney was directed to prepare a draft decision, consistent with comments by Council members concerning the reasons for their vote, for review and approval at a future City Council meeting.

The written decision was reviewed and approved by the City Council at the regular City Council meeting on May 4, 2015.

#### Hearing Record

The hearing record in this matter consists of the following items:

- Service returns for the Notices of Hearing discussed above.
- Copies of certified mail letters from the City Attorney to Bertha and Winnie Osnoe dated March 12, 2015, with return receipt cards.
- Undated letter from Bertha Osnoe received by the City Attorney's office on April 2, 2015.
- Oral testimony of the Code Enforcement Officer on March 2, 2015 and April 6, 2015 (audio recording).
- Print copies of 14 color photographs taken by the Code Enforcement Officer on 4/4/2013, depicting the structures located at 614 Main Street, with a two-page descriptive list titled "Dangerous Building Photographs 614 Main Street Tax Map 28, Lot 3".

- A one-page written summary provided by the Code Enforcement Officer titled “Dangerous Building 614 Main Street Tax Map 28, Lot 3”
- A copy of Title 17 M.R.S. section 2851, titled “Dangerous Buildings”
- Letters and e-mail correspondence, a Notice of Condemnation and other items presented by the Code Enforcement officer on March 2, 2015 as part of an information packet with the 14 photographs, descriptive list, statute and written summary described above.
- City Clerk’s certificate re appointment and qualifications of the Code Enforcement Officer

### Findings of Fact

Based on the information presented at its hearings on March 2 and April 6, 2015, the City Council finds as follows:

(1) The property at 614 Main Street consists of a 0.32 acre lot, improved with a three-bedroom, 1609 square foot residence built in 1920, and a two-car garage. The property is located in the City’s R-2 (General Residential) zoning district and is appropriately zoned for single-family residential use.

(2) The property meets minimum lot area requirements in the R-2 district, but does not meet minimum road frontage requirements. However, as a nonconforming lot of record, a new single-family residence may be built on the property, notwithstanding failure to meet minimum road frontage requirements.

(3) As of April 1, 2014, the assessed value of the property for municipal tax purposes was \$116,100, consisting of \$15,600 for land and \$100,500 for buildings.

(4) The property is owned by Winnie Osnoe and Bertha Osnoe as joint tenants, by virtue of a Quitclaim Deed with Covenant from Wells Fargo Bank, NA, dated June 1, 2007 and recorded in Book 10981, Page 184, Penobscot County Registry of Deeds.

(5) Northstar Mortgage, LLC, is the holder, by assignment, of a first-priority mortgage given by Bertha and Winnie Osnoe to CitiMortgage, Inc. on June 4, 2007 and recorded in Book 10981, Page 186, Penobscot County Registry of Deeds, to secure repayment of a mortgage note in the original principal amount of \$90,000.

(6) Two recent foreclosure complaints with respect to the property, recorded by Northstar Mortgage, LLC at the Penobscot County Registry of Deeds, have been dismissed without prejudice.

(7) Bertha Osnoe, Winnie Osnoe and Northstar Mortgage, LLC each received actual, prior notice of the City Council's hearings on March 2 and April 6, 2015. Each of them failed to appear at the City Council's two hearings on this matter.

(8) The residence structure at 614 Main Street suffered a fire on or about October 27, 2012 that caused significant damage throughout the second floor of the structure, and especially to the upstairs front bedroom. As a result of the fire, the residence suffered severe damage to many structural members and lost a large portion of its roof.

(9) Due to the fire and roof venting by responding fire fighters, portions of the residence structure have remained open to the weather since October 2012, including the past two winter seasons.

(10) Also due to the fire, the residence became uninhabitable and has remained vacant since October 2012.

(11) No interior or exterior repairs or maintenance have been undertaken by the owners since the October 2012 fire, other than boarding-up of three upstairs windows lost during the fire.

(12) There has been no public water or sewer service to the property since the fire.

(13) The downstairs interior of the building is unsafe and unsanitary, with one of the downstairs rooms contaminated by substantial amounts of animal (pet) waste.

(14) The adjacent two-car garage was not directly affected by the fire. However, the garage suffers from significant structural problems including, but not limited to, an undermined foundation and sagging roof.

(15) Neither of the owners of the property nor the mortgage holder has put forth a plan to repair and rehabilitate the structures so as to allow them to be re-used for residential or other permissible purposes.

(16) There is no prospect that the structures will be repaired or rehabilitated within any foreseeable period.

(17) Use of the property for fire training exercises is infeasible, due to the unsafe condition of the structures and the presence of combustible contaminants in a residential area.

## DECISION

Based on the foregoing findings of fact, the City Council further finds and decides as follows:

(1) The existing structures at 614 Main Street are structurally unsafe; unstable; unsanitary and constitute a fire hazard. As such, the existing structures are dangerous within the meaning of 17 M.R.S. section 2871.

(2) Under all of the facts found by the City Council as stated above, the appropriate disposition of the structures is demolition and removal.

## DISPOSITION ORDER

Based on the foregoing findings and decision, the City Council hereby Orders as follows:

(1) Within thirty (30) days following service of this Order on all parties in interest, the owners of 614 Main Street shall cause the existing structures (residence and garage) located on the property to be demolished and removed from the property, with all demolition debris to be properly disposed of in accordance with Maine law, and the foundation excavation filled with suitable soil or gravel materials, approved by the Code Enforcement Officer, to grade level. The Owners shall be responsible for obtaining all necessary demolition and other permits for this purpose.

(2) The Owners shall remove all fire debris and debris caused by demolition from the property within thirty (30) days after service of this Order.

(3) In the event the Owners shall fail to cause the demolition and removal of the existing structures within the 30 day period allowed by this Order, the City shall cause the same to be demolished and removed, with a special tax to be assessed for the cost of demolition and removal, in accordance with 17 M.R.S. section 2873.

Approved: May 4, 2015

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Chair, Old Town City Council



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Member, City Council

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Member, City Council

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