



**City of Old Town
Financial Services Committee Minutes
April 18, 2023**

Finance Committee members convened April 18th, 2023, in the Old Town City Hall Council Chambers, 265 Main Street

Committee Members Present: Councilors, Chris Pushor (Chair), Tim Folster, Stan Peterson, and Council President Linda McLeod (ex-officio)

Other Councilors Present: David Wight, Carol May, and Mike May

Administration Present: Bill Mayo, Danielle Berube, Laura Engstrom, David Smith, April Buchanan, Cassandra Pool and Irene Pehrson.

Others Present: Cynthia Mehnert (City Attorney), Jerry Corey (Controller at Global Secure Shipping), Jim Mitchell (3 Nadeau Street), and 4 residents of Old Town.

Councilor Pushor called the meeting to order at 6:00 p.m.

1. Danielle Berube, Finance Director updated the Committee on the March 2023 Financials, the outstanding Personal Property/Real Estate taxes and the Balance Sheet for the City of Old Town as of March 31st, 2023.
2. Bill Mayo, City Manager and Danielle Berube updated the Committee on the progress of the FY 2023 – 2024 budget for all departments in the City.

Adjournment: Motion made by Councilor Peterson, seconded by Council President McLeod to adjourn at 6:24 p.m.

Approved all in favor, 4-0 (motion passed)

Respectfully submitted,
Laura Engstrom
City Clerk



City of Old Town Special Council Meeting Minutes April 18, 2023

Council convened April 18, 2023, in the City Hall Council Chambers, 265 Main Street

Council present: Council President McLeod, Councilors: Chris Pushor, David Wight, Stan Peterson, Tim Folster, Carol May, and Mike May.

Administration Present: Bill Mayo, Danielle Berube, Laura Engstrom, David Smith, April Buchanan, Cassandra Pool and Irene Pehrson.

Others Present: Cynthia Mehnert (City Attorney), Jerry Corey (Controller at Global Secure Shipping), Jim Mitchell (3 Nadeau Street), and 4 residents of Old Town.

Council President McLeod called the meeting to order at 6:25 p.m.

Approval of the Minutes

Resolved, the Old Town City Council hereby approves as presented:

April 03, 2023, Regular Council Meeting Minutes.

Motion made by Councilor Wight, seconded by Councilor Pushor.

Approved, 7-0, (motion passed)

Petitions, Communications, and Citizens' Requests

1. Jim Mitchell, resident at 2 Nadeau Street addressed the City Council with a request.
(Information attached)

Reports

A. Council President

No Report

B. Standing Committees - Administrative Services, Economic Development, Finance Services, and Public Services.

No Report

C. City Councilors

Councilor Carol May asked Bill Mayo if he had heard back from the Old Town Rec. Center on the request to have a list of their Board of Directors sent to the Council. He replied that he had not heard anything from the Rec. Center.

D. City Attorney

No Report

E. Special Committees

Council President Mcleod asked if there was any information on the Pool. Bill Mayo stated he had no new news to relay yet to the Council.

F. City Manager Bill Mayo, updated the council on the following items:

- Brook pipe repair will be starting soon. Residents will see an improvement in the flooding of back lawns in that area.
- Fourth Street project for the sidewalk is almost ready to bid. Versant will look at moving some of the older telephone poles during this project. This project will give people better access to connecting walking trails throughout the City.
- Councilor Pushor asked if the Bird scooters will be coming back this spring. Bill said he did not think so.

VII. Consent Agenda

1. Resolved, The Old Town City Council hereby approves the renewal of a Victualer's License permit for Energy North Inc, d/b/a Tradewinds, located at 671 Stillwater Ave, Old Town.

Motion made by Councilor Carol May, seconded by Councilor Folster.

Approved all in favor, 7 – 0, (motion passed)

VIII. Public Hearings and Second Reading of Ordinances

1. Resolved, The Old Town City Council conducted a Second Reading and Final Approval on the proposal to amend the Ordinance titled Chapter 3 Amusements, § 3-3 Occupancy of parks limited. The City of Old Town will replace current language that reads, "a person shall not occupy in any manner a public park between 10:00 p.m. and 6:00 a.m. "to read" a person shall not occupy in any manner a public park from Sunset to Sunrise Eastern Standard Time Zone", unless otherwise approved.

Council President McLeod opened the public meeting for public comment at 6:57 pm and with no comments closed the public meeting at 6:58 pm.

Motion made by Councilor Mike May, seconded by Councilor Carol May.

Roll Call Vote:

Council President: Linda Mcleod	<u>Yes</u>
Councilors: Stan Peterson	<u>Yes</u>
Carol May	<u>Yes</u>
Chris Pushor	<u>Yes</u>
Mike May	<u>Yes</u>
Dave Wight	<u>Yes</u>
Tim Folster	<u>Yes</u>

Approved all in favor, 7 – 0, (motion passed)

2. Resolved, The Old Town City Council conducted a Second Reading and Final Approval the proposed changes Under Article I General Provisions Section 12-37 Loitering, to add the following language under 12-37 (a) (1) to become numbers 2-7.
 - (2) No person shall obstruct a street, sidewalk, or other public right-of-way: by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, Pub. L, No. 101-336, 104 Stat. 328 (1990), as amended from time to time.
 - (3) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within ten feet of any operational or utilizable driveway or loading dock.
 - (4) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within five feet of any operational or utilizable building entrance or exit.
 - (5) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within two feet of any fire hydrant, fire plug, or other fire department connection.
 - (6) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the City has issued a permit.
 - (7) No person shall obstruct any portion of any street or other public right-of-way open to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles, by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, bike lane, bike path, or other public right-of-way, as specified.

Council President McLeod opened the public meeting for public comment at 7:01 pm and with no comments closed the public meeting at 7:02 pm.

Motion made by Councilor Wight, seconded by Councilor Mike May.

Roll Call Vote:

Council President: Linda McLeod	<u>Yes</u>
Councilors: Stan Peterson	<u>Yes</u>
Carol May	<u>Yes</u>
Chris Pushor	<u>Yes</u>
Mike May	<u>Yes</u>
Dave Wight	<u>Yes</u>
Tim Folster	<u>Yes</u>

Approved all in favor, 7 – 0, (motion passed)

IX. Old Business

None

X. New Business

1. Resolved, The Old Town City Council approves the abatement of taxes for the FY 2021 and FY 2022 in the amount of \$571.50 and \$542.50, consecutively, for Brian Folster, located at 50 Bowdoin Avenue.
Reason for Abatements: Homestead Exemption was removed in error.

Motion made by Councilor Pushor, seconded by Councilor Whight.
Councilor Folster recused himself from the motion and vote as this was a family member to him.

Approved all in favor, 6 – 0, (motion passed)

2. Resolved, the Old Town City Council accepts the following bids for surplus properties that were acquired by the City of Old Town. The Old Town City Council further authorizes City Manager Bill Mayo to take all necessary steps to complete the transfers of these properties to the successful bidders.

Address Highest Bid	Description Highest Bidder	Map/Lot
1.) West Old Town Rd \$26,222	Vacant Land 7 acres Street's Mobile Home Park LLC	Map 2 Lot 47
2.) 27 Bodwell Street \$27,000	Single Family Home Stan Peterson	Map 31 Lot 127
3.) 2422 Bennoch Road \$44,587	Singlewide Mobile Home Robert Leighton	Map 3 Lot 41

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|-----------------------------------|---|----------------|
| 4.) 68 Lincoln Street
\$20,222 | Single Family Home
Street's Mobile Home Park LLC | Map 21 Lot 155 |
| 5.) Kirkland Road
\$3,815 | Vacant Land
Ron Austin Jr | Map 7 Lot 63 |

Motion made by Councilor Folster, seconded by Councilor Wight.
Councilor Peterson recused himself from the motion and vote as he was one of the bidders.

Approved all in favor, 6 – 0, (motion passed)

3. Resolved, The Old Town City Council approves the purchase of land and buildings located at 122 Penny Road, Tax Map 13, parcel 003-00D, for the amount of \$650,000. Funds for this purchase will be paid from a transfer from the Fund Balance account # 01-120-65-7210. The City Council further authorizes the City Manager to enter into a purchase and sale agreement with Blanchet Logging and Lumber Company and establish a lease agreement between the City of Old Town and Global Secure Shipping. Terms of the lease will include a mutually agreed upon date by which Global Secure Shipping will purchase the property and all improvements made from the City of Old Town.

Motion made by Councilor Peterson, seconded by Councilor Wight.

Approved all in favor, 7 – 0, (motion passed)

4. Resolved, the Old Town City Council Approves the financing to construct an additional 15,000 square feet of manufacturing space at 122 Penny Road and make electrical upgrades and roof repair of the existing buildings. The City Council authorizes the City Manager to select a contractor or contractors through and RFP process and further authorizes the City Manager to enter into a contact with the successful contractor or contractors to build the addition and make necessary upgrades and repairs to the existing facility to accommodate this expansion. Amended motion to add entering into a lease between the City of Old Town and Global Secure Shipping.

Motion made by Councilor Mike May, seconded by Councilor Pushor.

Approved all in favor, 7 – 0, (motion passed)

5. Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to MRSA Title 405, Section (6)(A) for the purpose of discussing a Personnel matter.

Motion made by Councilor Wight, seconded by Councilor Mike May to go into Executive Session made at 7:14 pm.

Approved all in favor, 7 – 0, (motion passed)

Motion made by Councilor Folster, seconded by Councilor Peterson to come out of Executive Session made at 7:37 pm.

Approved all in favor, 7 – 0, (motion passed)

Adjournment

Motion made by Councilor Peterson to adjourn at 7:38 pm, seconded by Councilor Pushor.

Approved all in favor, 7-0 (motion passed)

Respectfully submitted,
Laura Engstrom
City Clerk

April 18, 2023

Council President McLeod and members of the Old Town City Council,

My name is Jim Mitchell and I am a resident of Old Town, living on what is called French Island. Thank you for allowing me to speak with you. I am here today to request that the council approves a motion to put ongoing litigation on hold and allow for a collaborative resolution of the disposition Lot 189.

I am not here to hash over the history of the property on French Island. Discussion about this piece of land has been ongoing since 1993 and is well documented. Since this dialogue has spanned such a long period of time, I can't expect everyone to remember all the details involved. A website, frenchisland.me, contains links to all the documents, relevant council meetings, and articles from the *Bangor Daily News*; all of which you can access if you want. Everything I will be saying tonight is backed by facts that are publicly accessible.

First, I want to apologize to you that we are even in this adversarial situation. We never wanted to involve lawyers and the court system to settle an issue that lends itself to a dialogue-based resolution. I also apologize for my remark to Councilor Folster regarding the location of the sewer line. It turns out that the map you were looking at is out of date and that there is an updated map. Neither of us knew that then. Finally, I want to apologize for changing what I am about to say from the text that was in your packet. This Friday we received news that there has been a hearing scheduled for May 11th in the Superior Court. This is good news for us, but it makes the motion we present all the more relevant.

Since a court date has been scheduled, this is the last opportunity we have to resolve this issue in a collaborative way. I have publicly encouraged us to use discussion rather than litigation in the *Bangor Daily News* in February of 2020. I want to emphasize again that I feel we should be partners in this process, but the litigation creates this adversarial condition.

Those of us who have land contiguous to Lot 189 have always maintained we are willing to accept an increase in taxes that will result from extending our property lines to the river. It will not be much of our city budget, but it would certainly be an additional income for the city. This litigation has been costly and has consumed tens of thousands of dollars up to now, with the potential for greater expenses in the future. You are tasked with coming up with a budget proposal to be sent to voters for approval. For that budget, this motion will result in an income for the city, rather than an expense as it is now.

The City should be a partner with us in securing title to this abandoned land. The city has just as much right to claim a quiet title to expand the land on which the sewer pumping station is

located as we have to claim a quiet title to the land we have improved for the last 50 years. We, the landowners, and you, the City should be partners in settling the disposition of this abandoned land by claiming it under the legal process of a quiet title as established by the State of Maine.

There is another cost of this litigation. A lawsuit between citizens and our governing bodies says to the world that we can not resolve disputes by reasonable discussion. Other Mainers have seen the example we set when we come together to face challenges such as redefining ourselves as we face changing economic patterns. Working together in a transparent manner not only saves time and resources but also strengthens our community bonds and promotes trust.

A similar situation occurred in Camden at about the same time. The city wanted to extend a walkway to a park that required 123 square feet of land be purchased from a landowner. After months of negotiation, the city decided that it might have to present a referendum to the town residents to approve the use of eminent domain. The main point I want to make is that the use of eminent domain should only be considered after full and open discussion with all parties involved in the process. Unfortunately for us, the City Council action of condemnation and seizure of Lot 189 was based on incorrect legal advice, namely that no public notice was required. The action taken in August of 2019 broke the trust between us and resulted in the litigation process that is about to come before the court. We still have time to focus on the common good.

This is why I ask you to allow us to sit down with City Manager Mayo and come up with a plan for the resolution of the Lot 189. Mr. Mayo has already stated that he is willing to do this as long as adequate assurance for access to sewer lines was part of the plan. However, as it stands, the plan is to wait until the litigation is complete. I urge the committee to consider the benefits of collaboration and approve the motion to put ongoing litigation on hold, allowing us to work together to find a just resolution to the Lot 189 issue that benefits everyone involved.

Proposed motion:

Be it resolved that legal actions regarding Lot 189 be temporarily ceased until a plan of action for the dissolution of this land be presented to the City Council. The City Manager is asked to craft this plan by working with concerned citizens who own contiguous land to this property. The plan should be available for consideration within two months of the passing of this motion.

Thank you for the time to address you.