



City of Old Town

Regular Council Meeting Minutes March 2, 2020

Council convened March 2, 2020 in the Old Town City Council Chambers, 265 Main Street

Councilors present – President David Mahan, Shirley Brissette, Donna Ketchen, Tim Folster, Carol May, Stan Peterson, and Kyle Smart

Administration present – Bill Mayo, Travis Roy, EJ Roach, David Russell, Danielle Berube, Dana Sibley, Irene Pehrson, John Rouleau, and Scott Wilcox

Others present – Ed Bearor, Esq., Stephen Wagner, Esq., and 7 citizens

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

Approval of the Minutes

Resolved, the Old Town City Council hereby approves as presented the February 18, 2020 Special Council Meeting minutes.

Motion made by Councilor Smart, seconded by Councilor Ketchen. *Approved, all in favor, 7-0*

Petitions, Communications, and Citizens' Requests

Old Town Resident, Phil Veilleux, inquired if there were any updates on the City owned property located on French Island.

Reports

A. Council President

1. Council President Mahan reminded City Staff and Councilors of the budget meetings this month.
2. Council President Mahan requested that City Clerk Dana Sibley talk about upcoming election. City Clerk Dana Sibley stated the polls will open at 7 a.m. and close at 8 p.m. for the Presidential Primary and Referendum Election on March 3, 2020. Dana Sibley shared there was only one question on the State Referendum ballot.

3. Council President Mahan requested that EJ Roach share information about BikeMaine. E.J. Roach shared that Old Town was selected by BikeMaine 2020 to be one of seven host communities for the week-long ride starting September 12, 2020.

B. Standing Committees – Finance, Public, Administrative & Economic Services; Landfill, Legislative, Sewer, Airport & Housing sub-committees

1. Code Enforcement Officer, David Russell, updated the Council on properties in Old Town needing multiple repairs to pass inspections, deemed livable, and other:
 - a. 49 Willow Street – lien action with Law Office of Rudman & Winchell
 - b. 79 Sanford Street – in process of being renovated/rehabbed
 - c. 14 Union Street – vacant property; Wells Fargo paying taxes and sewer
 - d. 613 Main Street – vacant property; taxes paid; sewer lien filed – mortgage company notified RE: lien notice sent 2/14/2020; will mature 3/14/2020
 - e. 134 Lincoln Street – vacant property; taxes and sewer paid; Fire Department letter to be sent
 - f. 527 Main Street – Fire Department has placard (warning sign) notice on property
 - g. 393 Gilman Falls Avenue – demolished this week

C. City Councilors

D. City Attorney

Ed Bearor, Esq. purported City staff involved in supervisor training were involved, engaged and very proactive.

E. Special Committees

F. City Manager

Bill Mayo communicated that a few roads in the Old Town are in bad shape, specifically gravel roads, an example is Poplar Street. Public Works has been trying to gravel down and doing all they can to rectify the problem at this time.

Consent Agenda – Items 1

1. Resolved, the Old Town City Council hereby approves the proposal for allocation of monies up to \$5000.00 from the fund balance account number 10-3800-00 to be used for the City's Bicentennial event *only if* the grant monies are not approved.

Motion made by Councilor Ketchen, seconded by Councilor Brissette. ***Approved, all in favor, 7-0***

Public Hearings and Second Reading of Ordinances

Council President David Mahan opened the public hearing at 6:19 p.m. for the purpose of receiving public comment on the proposed designation of a Municipal Tax Increment financing (TIF) Districts and adoption of corresponding development programs for the district, pursuant to Title 30-A M.R.S.A Chapter 206. §5221-5235. EJ Roach presented a summary of the development program, including an overview of the projected TIF revenue, tax shift effect, and estimated project costs. There were no public comments. Councilor Mahan closed the public hearing at 6:26 p.m. Councilor Mahan reopened the public hearing at 6:27 p.m. to confirm if any comment from the public. There were no public comments. Councilor Mahan closed the public hearing at 6:27 p.m.

Resolved, the Old Town City Council hereby approves the designation of a Municipal Tax Increment financing (TIF) Districts and adoption of corresponding development programs for the district, pursuant to Title 30-A M.R.S.A Chapter 206. §5221-5235.

Motion made by Councilor Smart, seconded by Councilor Folster. *Approved, all in favor, 7-0*

Old Business

New Business

1. Resolved, the Old Town City Council hereby approves a renewal application for a Malt Liquor License for Clark Cardimino, d/b/a Old Town Bowling Center, 156 Center Street.

Motion made by Councilor Folster, seconded by Councilor May. *Approved, all in favor, 7-0*

2. Discussion ensued regarding a request for an easement from Kyle Lemieux, d/b/a Outta the Ordinary, LLC (O.T.O.) on land/property located next to his business location of 296 Main Street. Councilor Peterson questioned if the lease was just to O.T.O.? His concern was what if another business were ever to locate the premise if they would take on the responsibility for the easement. Economic Development Director, E.J. Roach communicated the specifics would be in the lease. Councilor Peterson purported that language should be added about the care and use of the property in the lease. Attorney Ed Bearor advised the language “or his assigns” should be removed from the motion. Councilor Folster suggested a lease with a limited term for the property. Further discussion denoted the language “easement” should be removed and the property Kyle Lemieux, O.T.O., was requesting to use should be leased property only.

Motion to amend language made by Councilor Folster, seconded by Councilor May. *Approved, all in favor, 7-0*

Councilors voted on motion to amend. *Approved, all in favor, 7-0*

Resolved, the Old Town City Council grants a lease to Kyle Lemieux, d/b/a Outta the Ordinary, LLC (O.T.O.), located at 296 Main Street. The lease is for the care and use of the property shown on Map 26, Lot 39 as depicted in Attachment #1. Actual dimensions

will be verified in the field and reflected accurately within the lease agreement. Kyle Lemieux will be responsible for any and all costs associated with recording the Lease at the Penobscot County Registry of Deeds, and the necessary permits and or licenses needed. The Council further authorizes City Manager William J Mayo to execute said Lease.

Motion made by Councilor Brissette, seconded by Councilor Smart. *Approved, all in favor, 7-0*

3. Resolved, the Old Town City Council hereby approves the Resolution to enter in the Workers' Compensation Safety Incentive Program (WCSIP), (10% off workers' compensation; 3% off liability), which replaces the current Leader program that was discontinued (Attachment 2).

Motion made by Councilor Ketchen, seconded by Councilor Brissette. *Approved, all in favor, 7-0*

4. 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 an Economic Development matter.

Motion made by Councilor Peterson, seconded by Councilor Ketchen. *Approved, all in favor, 7-0*

Executive Session

Executive Session called to order at 6:38 p.m.

Resolved, the Old Town City Council hereby discussed an Economic Development matter in Executive Session, pursuant to Title 1, M.R.S.A., §405(6)(A).

Adjournment Executive Session

Motion made by Councilor Peterson, seconded by Councilor Ketchen, moved to adjourn at 7:03 p.m. *Approved, all in favor, 7-0*

Adjournment Regular Council Meeting

Motion made by Councilor Peterson, seconded by Councilor Brissette, moved to adjourn at 7:12 p.m. *Approved, all in favor, 7-0*

Respectfully submitted,

Dana M Sibley
City Clerk