

June 05, 2023

Agenda
Regular Council Meeting
City Council Chambers, 2nd Floor
265 Main Street, Old Town, Maine

I. Call to Order

Please turn off or silence cell phones

II. Flag Salute

III. Roll Call

IV. Approval of the Minutes

May 15, 2023, Financial Services, Public Services and Special Committee Meeting minutes.

V. Petitions, Communications, and Citizens' Requests

VI. Reports

A. Council President

**B. Standing Committees –
Administrative, Economic, Finance, & Public Services**

C. City Councilors

D. City Attorney

E. Special Committees

F. City Manager

VII. Consent Agenda

1. The City Council will consider approval of a renewal application for a Liquor License for Old Town Bowling Center, LLC. Located at 156 Center Street.

Suggested motion: Resolved, the Old Town City Council hereby approves the renewal application of a State of Maine on - premises Liquor License for Old Town Bowling Center, LLC. Located at 156 Center Street.

(Councilor Peterson)

Public Hearings and Second Reading of Ordinances

1. The Old Town City Council will conduct a public hearing on the proposed FY 2023-2024 Municipal, County and School Budget.

Open Public Meeting: _____

Close Public Meeting: _____

(Council President McLeod)

- 1a.) The Old Town City Council will consider a motion scheduling a Second Reading for final approval on the FY 2023-2024 Municipal, County and School Budgets.

Suggested motion: Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 20, 2023, for final approval on the proposed FY 2023-2024 Municipal, County and School Budget. The proposed budget calls for City expenditures of \$17,507,796, Penobscot County Taxes of \$1,009,965, and RSU #34 expenditures of \$5,744,805, for a total City, County and RSU #34 Budget of \$24,262,566, with total City revenue of \$10,968,737, and transfers from reserve accounts of \$2,986,214, for a net property tax requirement of \$10,307,615.

(Councilor Mike May)

2. The Old Town City Council will conduct a Public Hearing on the proposed FY 2023-2024 Pollution Control Budget.

Open Public Meeting: _____

Close Public Meeting: _____

(Council President McLeod)

2a.) The Old Town City Council will consider a motion scheduling a Second Reading for final approval on the FY 2023-2024 Pollution Control Budget.

Suggested motion: Resolved, the Old Town City Council hereby approves scheduling a Second Reading on June 20, 2023, on the Proposed FY 2023-2024 Pollution Control Budget containing gross appropriations of \$1,921,334, user fee revenue of \$1,670,867 debt redemption of \$250,467 and for a net appropriation from the Fund Balance of \$0.

(Councilor Folster)

3. The City Council will conduct a Public Hearing for the purpose of receiving public comment on the proposed changes to Section 104.22, Regulations Relating to Flood Hazard Areas (A) through (N) Ord. 2-7-05 and enacting the “2023” “Floodplain Management Ordinance. Articles (1) through (16) in its entirety, and repealing the April 17, 1978, Flood Insurance (2) Rate Maps (FIRM).

Open Public Meeting: _____

Close Public Meeting: _____

(Council President McLeod)

3a) The Old Town City Council will consider a motion scheduling a Second Reading and Final Approval on the proposed repeal of Section 104.22 Regulations Relating to Flood Hazard Areas (A) through (N) Ord. 2-7-05 and enacting the “2023” “Floodplain Management Ordinance. Articles (1) through (16) in its entirety, and repealing the April 17, 1978, Flood Insurance (2) Rate Maps (FIRM).

Suggested motion: Resolved, The Old Town City Council hereby approves scheduling a second reading and final approval to be held on June 20, 2023, on the proposed repeals of Section 104.22 Regulations Relating to Flood Hazard Areas (A) through (N) Ord. 2-7-05 and enacting the “2023” “Floodplain Management Ordinance” Articles (1) through (16) in its entirety, and repealing the April 17, 1978, Flood Insurance (2) Rate Maps (FIRM). Maps 1 through 4, Community panel Number 230112-0001 A through 0004-A, and replacing them with the July 19, 2023, FIRM. Number 230112, Maps 1720, 1905, 1910, Maps 1916 through 1919, Maps 1926 through 1929, Maps 1931 through 1934, Maps 1936, 1937, 1939, and Maps 1941 through 1944.

(Councilor Wight)

Old Business

(None)

New Business

1. The City Council will consider the issuance of a Municipal Warrant for the June 13, 2023, Regional School Unit #34 Budget Validation /Referendum Election.

Suggested motion: Resolved, the Old Town City Council hereby approves the issuance of a Municipal Warrant for the June 13, 2023, Regional School Unit #34 Budget Validation/ Referendum Election.
(Warrant attached)

(Councilor Folster)

2. The City Council will consider setting hours for the Registrar of Voters for the June 13, 2023 Regional School Unit #34 Budget Validation/ Referendum Election.

Suggested motion: Resolved, the Old Town City Council hereby approves the Registrar of Voters hours for the June 13, 2023, Regional School Unit #34 Budget Validation/ Referendum Election, pursuant to Title 21A, M.R.S.A. §101(6) as presented and recommended by the City Clerk.
(Voter's hours attached)

(Councilor Pushor)

3. The City Council will consider accepting an after – deadline redemption on foreclosed property for the heirs of Marylyn O' Clair, located on the W. Old Town Road for payment of the 2021 – 2022 taxes in the total amount of \$1768.82.

Suggested motion: Resolved, the Old Town City Council hereby accepts an after – deadline redemption on foreclosed property for the Heirs of Marylyn O' Clair for payment of account # 1094, 2021 – 2022 taxes in the total amount of \$1768.82. This amount includes lien cost of \$138.15, interest of \$137.42, and Late redemption fee of \$150.00. The City Council further authorizes the City Manager to execute a Municipal Quit – Claim Deed.

(Councilor Carol May)

4. The City Council will authorize the Finance Director to write off personal property taxes and interest for AVG Acquisition Group, account 2, in the amount of \$454.48,

for tax year 2019 – 2023. AVG Acquisition Group has not serviced vending machines located at the Old Town Public Works garage since 2018.

Suggested motion: Resolved, the Old Town City Council hereby authorizes the Finance Director to write off the personal property taxes and interest for AVG Acquisition Group, account 2, in the amount of \$454.48.

(Councilor Mike May)

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

Suggested motion: 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.

(Councilor Wight)

Adjournment, motion _____, second _____.

**CITY OF OLD TOWN
 APPROPRIATION RESOLUTION 2023-1
 INBOARD OF COUNCIL, JUNE 20, 2023
 Municipal, RSU #34 and County Appropriation**

RESOLVED:

That whereas the annual budget for the fiscal year 2023-2024 after proper notice of hearing thereon and hearing in consideration thereof being had; now, therefore, be it resolved that the several sums of money in the recommended budget, as amended, be appropriated to the various accounts and the various sums of estimated revenues as listed in the budget be appropriated, and the net appropriation, as listed below, necessarily to be derived from general taxation, shall be assessed upon the taxable estates of the inhabitants of the City of Old Town, and upon estates of non-resident persons and proprietors within the City of Old Town, in accordance with the laws of Maine, and the provisions of the City Charter of the City of Old Town.

And be it further resolved that the Assessor of the City of Old Town be and is hereby instructed and authorized to assess upon said estates in the City of Old Town, as the same exist on the first day of April 2023.

The net totals of said grants & appropriations are as follows, to wit:

GENERAL FUND

	Municipal	RSU#34	Penobscot County	Total
Gross Appropriation	17,507,796	5,744,805	1,009,965	24,262,566
<u>Less:</u>				
TIF Financing Plan Transfer	743,284			743,284
Economic Development Transfer	29,850			29,850
State-Municipal Revenue	1,363,698			1,363,698
Highway Block Grant	400,236			400,236
City Facilities Reserve	85,000			85,000
Heavy Equipment Reserve	123,200			123,200
Fund Balance (RSU Reserve)	240,946			240,946
Other Estimated Revenue	10,968,737			10,968,737

Property Tax	3,552,845	5,744,805	1,009,965	10,307,615
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And be it further resolved that all taxes on real estate and personal estate within the present municipal year shall be due and payable upon approval of this Appropriation Resolution and one half (½) of all real estate and personal property taxes that remain unpaid on September 13, 2023 shall commence bearing interest on September 14, 2023 and that the final half (½) of all real estate and personal property taxes that remain unpaid on March 13, 2024 shall commence bearing interest March 14, 2024 at the highest rate per annum authorized by Maine law until paid and collected, and the Collector of Taxes and the City Treasurer of the City of Old Town are authorized and required to collect and receive thereof.

And be it further resolved, that the City Council authorizes the Finance Director to accept prepayment of real and personal property taxes.

And be it further resolved, that the Tax Collector shall apply all tax payments to the oldest balance due on that account regardless of any instructions the taxpayer may give. If, however, a tax lien has matured, the Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the City Council to accept payment. If a taxpayer has more than one tax account, any payment shall be applied to the oldest balance due unless the taxpayer specifies the account against which the payment is to be applied;

And be it further resolved, that pursuant to 36 M.R.S.A., Section 506-A, the City Council establishes an interest rate of 4% (**4% less than late payment interest rate**) percent per annum to be paid on all real and personal taxes rebated due to an over-assessment.

NOW, THEREFORE, the estimated amount of said budget for the municipal year beginning July 1, 2023 and ending June 30, 2024 is included in the **2023-1** Appropriation Resolution.

APPROVED AS TO FORM:

 City Attorney

ATTEST:

 Laura Engstrom
 City Clerk-Old Town, ME

**CITY OF OLD TOWN
 APPROPRIATION RESOLUTION 2023-2
 INBOARD OF COUNCIL, June 20, 2023
 Pollution Control**

The City Council, after proper notice, having conducted a public hearing on the annual Pollution Control budgets for the fiscal year 2023-2024 in accordance with Article IX, section 4 of the City Charter, it is hereby

RESOLVED that the several sums of money in the recommended budget, as amended, be appropriated to the Pollution Control fund and the various sums of estimated revenues as listed in the budget be appropriated, and the net appropriation, as listed below, necessarily to be derived from sewer user fees, shall be assessed quarterly upon the estates of the inhabitants of the City of Old Town, and upon estates of non-resident persons and proprietors within the City of Old Town that use the sanitary sewer treatment facility, in accordance with the laws of Maine, and the provisions of the City Charter of the City of Old Town.

And be it further resolved that the Finance Director of the City of Old Town be and is hereby instructed and authorized to invoice said estates in the City of Old Town, for quarterly payments due.

The net totals of said grants & appropriations are as follows, to wit:

POLLUTION CONTROL FUND	
Pollution Control	
Gross Appropriation	1,921,334
<u>Less:</u>	
Revenues	1,670,867
Debt Redemption	250,467
Short lived Asset Reserve	-0-
Transfer from Fund Balance	- 0-
Net General Fund Appropriation	-0-

And be it further resolved that all invoices for Pollution Control services for each property shall be due and payable no later than 30 days after the date of mailing of the invoice concerned and all invoices that remain unpaid shall commence bearing interest at the highest rate per annum authorized by Maine law until paid and collected, and the Collector of Taxes and the City Treasurer of the City of Old Town are authorized and required to collect and receive thereof.

And be it further resolved, that the Finance Director shall apply all payments to the oldest balance due on that account regardless of any instructions the property owner may give. If, however, a sewer lien has matured, the Finance Director may not accept payment on that account unless a workout agreement is in place or approval has been granted by the City Council to accept payment. If a property owner has more than one sewer account, any payment shall be applied to the oldest balance due unless the property owner specifies the account against which the payment is to be applied.

And be it further resolved, that pursuant to 36 M.R.S.A., Section 506-A, the City Council establishes an interest rate of 4% (4% less than late payment interest rate) percent per annum to be paid on all real and personal taxes rebated to an over-assessment.

NOW, THEREFORE, the estimated amount of said Pollution Control budget for the municipal year beginning July 1, 2023 and ending June 30, 2024 is included in the 2023-2 Appropriation Resolution.

APPROVED AS TO FORM:

 City Attorney

ATTEST: _____
 Laura Engstrom
 City Clerk-Old Town, ME

Warrant for Municipal Election

State of Maine

County of Penobscot, ss.

To Scott Wilcox a Constable [or resident] of Old Town:
(Name of Constable of Resident)

You are hereby required in the name of the State of Maine to notify the voters of Old Town of the election described in this warrant.

To the voters of Old Town: **WARD ONE (1)**

You are hereby notified that the RSU 34 School Budget Election in this municipality will be held at **The Old Town Elks Lodge, 37 Fourth Street** on the Second Tuesday of June, the same being the 13th day of said month, in the year of our Lord two thousand twenty-three for the purpose of effecting the election to the following:

RSU 34 SCHOOL BUDGET VALIDATION/REFERUNDUM ELECTION

The polls shall be opened at 7:00 a.m. and closed at 8:00 p.m.

The Registrar of voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person who becomes 18 years of age on election day, or after the close of registration prior to it; and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Given under our hands in Old Town this 5TH day of JUNE in the year of our Lord two- thousand twenty-three.

Majority of Municipal Officers of Old Town

A true copy of the Warrant and Notice of Election.

Attest:

Laura Engstrom-Old Town City Clerk

Absentee/ Ballots will be counted at 2:00 pm, 6:00 pm and the rest will be counted at the closing of the polls at 8:00 pm, at the polling place.

State of Maine

OFFICER'S RETURN

County of Penobscot, ss.

I certify that I have notified the voters of Old Town in Ward One of the times and place of the Municipal Election by posting an attested copy of the within warrant at:

The Old Town Elks Lodge

(Place of Posting)

a conspicuous, public place within Old Town and ward One

on June 05, 2023, which is at least 7 days next prior to election day.
(Date of posting)

Dated at Old Town this 5th day of June, two- thousand twenty- three.

Attest:

Constable or Resident of Old Town



CITY OF OLD TOWN
VOTER REGISTRATION HOURS

RSU #34 SCHOOL BUDGET
VALIDATION/REFERENDUM ELECTION

The Registrar/Deputy Registrars of Voters will be at the Elks Lodge, 37 Fourth Street to register new voters and/or update existing voter registration.

ELECTION DAY JUNE 13, 2023
7:00 A.M. TO 8:00 P.M.

REGISTRAR OF VOTERS:
DEPUTY REGISTRAR:
DEPUTY REGISTRAR:
DEPUTY REGISTRAR:

Laura Engstrom
Kelly Moody
Catherine Martinage
Suzanne Gauthier