



*CITY COUNCIL MEETING MINUTES of November 9, 2015*

**PRESENT: MAYOR WALKER, COUNCILORS-AT-LARGE LAPOINTE & STEARNS  
WARD COUNCILORS DUFOUR, IRISH, LINDLEY, SULLIVAN, & HARVEY-MCPHERSON**

Mayor Walker called the Council Meeting to order.

**3. COMMENTS/QUESTIONS FROM THE PUBLIC CONCERNING MATTERS NOT RELATED TO ITEMS ON THE AGENDA:**

Rosemary Presnar, Chair Conservation Commission read a letter from the Commission asking the Council to direct the Ordinance Re-write Committee to review the ordinances related to the Stevens School Complex and recommended any changes needed to address an outcome, if the complex is sold as multiple parcels. Mayor Walker stated that this item would be updated under Item #12 on the agenda.

**4. OTHER BUSINESS:** None

**5. ADJUSTMENTS TO AGENDA:**

Stearns – Lindley - Move to add Item **7A. AN UPDATE ON FIRE SAFETY INSPECTION FROM FIRE CHIEF GRANT** and Item **7B. AN UPDATE FROM CEO MAUREEN AUCOIN**. Unanimously approved

**6. CONSENT AGENDA (Items 6):**

- a. City Council Minutes for the October 13, 2015 meeting.
- b. Roll of Accounts for November 9, 2015.
- c. Department/Office Reports: Treasurer, Public Works, Police, Code Enforcement, Fire

Lapointe – Lindley - Move acceptance of the consent agenda as presented.

Discussion followed on Impending Foreclosure List and whether to waive or not waive any of the pending foreclosures. Claims Committee Chair Lindley will meet with the City Manager to set up a Claims Committee Meeting, if needed before the December Council Meeting.

Unanimously approved

**7. NEW RADIO ANTENNA SITE: CMP POLE PERMIT AND POLE INSTALLATION COSTS (Item 7):**

Lapointe – Dufour - Move to approve a pole permit for CMP and to pay CMP for installing a pole to serve the new public safety radio antenna site on the Hallowell Water District's water tank.

Fire Chief Grant stated this is a onetime charge of \$4,239.85 over the already approved amount.

Lapointe – Dufour – Amend motion to take extra funds from the Public Safety Account and to have the City Manager continue exploration with the HWD about whatever funds they are willing to contribute to this cost.

Unanimously approved

Motion as amended Unanimously approved

**7A. FIRE CHIEF GRANT UPDATE ON FIRE SAFETY INSPECTIONS:**

Fire Chief Grant updated the Council on Fire Safety Inspections at Water Street properties. He stated that the Fire Marshall's Office recommends they do block fire inspections, so he plans on recommending to the Council

at their next meeting that they could form a two year plan for block inspections. They could start with the block with Brass and Friends and continue with other blocks. They would like to start with the oldest buildings first. The Council directed the Fire Chief to develop a proposed plan for the next Council meeting and in the interim, if he and the Fire Marshall's Office are prepared, they can begin based on their knowledge of the oldest and longest block to start with.

**7B. CEO AUCCOIN UPDATE ON ROBERT DALE PROPERTY:**

CEO Maureen AuCoin stated that Robert Dale did not meet the deadline of September 30<sup>th</sup> for cleanup of his property. He also did not meet the deadline of October 21<sup>st</sup> to pay ordered attorney's fees, so he is not in compliance with the consent judgment. The CEO stated there are two options to enforce compliance: the City could go back to court which would add more attorney's fees and foreclosure hearings, or as part of the consent judgment there is a 'self-help remedy' which allows the City to enter the property and clean it. Any costs of the City's cleanup effort could be assessed to the property as a special tax at the next date of commitment and attached to the building. The City would return the property to compliance and eventually recover the cleanup cost and ordered attorney's fees without going back to court. The CEO recommended the self-help remedy. Discussion followed.

Stearns – Lapointe - Motion to support the CEO recommendation for self-help and a special tax assessment for the costs of the cleanup and attorney's fees to resolve outstanding issues. Unanimously approved

It was suggested that the CEO and the Fire Chief get involved, if they feel that there are any further issues.

Stearns – Lindley – Motion to direct the City Manager to consult with legal counsel on what jurisdiction the City has to address the Fire Chief's report that the building could be unsafe from a structural view. Unanimously approved

CEO AuCoin stated there is a vacated property at 8 Sampson's Row that has a detached garage full of garbage. She has declared this an unsafe structure and has been attempting to locate the owners for about two months. Under the Dangerous Building Act, the City could go in and secure the building or take it down. She will update the Council at the December Meeting.

**8. TREE BOARD APPLICATION FOR PROJECT CANOPY GRANT (Item 8):**

Lapointe – Lindley - Move to approve the Tree Board's application for a Project Canopy Grant. Unanimously approved

The Council asked the City Manager to check into the various funding sources.

**9. SECOND READING OF AMENDMENTS TO THE ROAD ACCEPTANCE POLICY (Item 9).**

Irish – Lindley - Move to approve Second Reading of amendments to City of Hallowell's Road Acceptance Policy.

Stearns – Dufour - Amend motion on first page by changing "may to shall" and on the second page by changing "50% to 25%" occupancy. Unanimously approved  
Motion as amended Unanimously approved

**10. ACCEPTANCE OF DONATIONS FOR PRESERVATION OF OLD TOWN HALL/FIRE STATION (Item 10):**

Lindley – Irish - Move to accept the donation from the Hallowell Citizens Initiative Committee on behalf of the donors shown in Item 10 in the amount of \$125.00 for month of October 2015 and deposit in the Fire Station Androscoggin Bank Reserve Fund. Unanimously approved

**11. CITY COUNCIL RETREAT PLANNING CONSIDERATION (Item 11):**

City Manager Pakulski and the Council discussed a planning retreat as described in memo Item 11. It was decided to discuss a workshop retreat for January, 2016 at the December Council Meeting.

## **12. COUNCIL COMMITTEE REPORTS (Item 12):**

- Personnel Committee – Code of Conduct draft

Chair Lapointe presented a draft Council Code of Conduct for Council consideration. After some discussion it was decided that all comments on this draft could be sent to Chair Lapointe before the next Council Meeting.

- Property Committee

Chair Harvey-McPherson updated the Council on a proposal from Coffin Engineering on the fire station building.

The second item the Committee discussed was the City's non-conforming lot on Winthrop Street adjacent to Harry Wolfington's non-conforming lot and the pros and cons of selling this lot to make one conforming lot as taxable property. Mr. Wolfington offered \$10,000 to the City for this lot and the Committee recommended holding a public hearing at the December Council Meeting on Sale of City Property. This could be followed by an agenda item with the Committee's recommendation to sell the property to Mr. Wolfington for \$10,000 based on the public hearing. They also recommended that the Property Committee be directed to draft a policy on the Sale of City Property.

The third item the Committee recommended amending the Auditorium Rental Agreement to restrict the use of glitter to the stage only, and nowhere else in the building.

The Council directed the City Manager to make this change to the building use policy.

- Finance Committee Chair – CIP considerations

Chair Sullivan stated the Committee was asked to look into placing City services on-line. This would be a choice to the resident and the Committee recommended offering this service. The Committee is still working on the Capital Improvement Plan.

- Stevens School update

City Manager Pakulski updated the Council on the poor condition of most of the Stevens School buildings. The Mayor noted the State has received one bid for the property and that bid was below the State's requirements. The City is waiting to hear if the State is going to accept this bid. If there is a successful bidder selected soon, the Council felt that a special Council meeting should be called.

## **13. CITY MANAGER'S REPORT (Item 13):**

City Manager Pakulski presented his report and highlighted the following:

Mayflower Road is not yet completed but the bulk of the work has been done and it is a vast improvement.

Central Street Culvert – While a contractor was installing a plastic culvert inside the old metal culvert at the Bombahook Stream crossing, a DEP representative advised Public Works that they needed erosion control on the site even though no excavation took place. PW placed hay bales at the site the same day. The DEP rep. also told PW that the City needed a permit from the Army Corps of Engineers for work in a stream crossing. The City Manager met with an Army Corps rep. and the DEP rep., and they advised the City Manager to seek an 'after-the-fact' permit. The City is preparing this application for the Army Corps of Engineers. The resolution of this situation is not clear yet.

Hi-Tech Fire Protection tested City Hall's sprinkler system. Part of that test determined that most of the sprinkler heads are more than ten years old. According to the NFPS, a reasonable sample of such sprinkler heads must be tested and proved functional. There are over 30 sprinkler heads in City Hall that are over ten

years old. Hi-Tech has proposed testing 4 which includes installing 4 replacement heads. The City Manager presented Hi-Tech's proposal of \$1,271 to perform this testing and replacement. He asked for the Council's direction on this. The Council authorized the City Manager to carry on with the testing.

The new Charter Commission has been formed and according to statute the City Clerk has scheduled the first Charter Commission meeting for November 30th. The Council is welcome to attend as members of the public.

**14. MAYOR'S APPOINTMENTS/REPORT:**

Mayor Walker appointed Jim McKenna to the Hallowell Cultural Committee.

Lapointe – Lindley – Motion to approve appointment.

Unanimously approved

**15. CITY MANAGER'S APPOINTMENTS:**

City Manager Pakulski stated that in January he would like to appoint CEO Maureen AuCoin as the E-911 Addressing Officer.

**16. EXECUTIVE SESSION – LEGAL CONSULTATION:**

Irish – Lapointe - Move that the City Council enter Executive Session pursuant to 1 MRSA, section 405, (6)(E) to consult with Legal Counsel, and invite the City Manager & newly elected Councilor Diano Circo to attend.

Unanimously approved

The Council entered Executive Session for a conference call with Legal Counsel Erik Stumpf.

Irish – Lapointe – Move to exit Executive Session.

Unanimously approved

The Council left Executive Session and reentered Open Session at 9:01 PM.

**17. ADJOURNMENT:**

Lindley – Lapointe – Move to adjourn.

Unanimously approved.

Deanna Mosher Hallett,  
City Clerk

