

**RECORD OF EMERGENCY MEETING
ELLSWORTH CITY COUNCIL**

DATE: DECEMBER 09, 2016

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

**CITY COUNCIL PRESENT: BEATHAM, BLANCHETTE, CROSTHWAITE,
FORTIER, HUDSON, MOORE, AND PHILLIPS.**

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
AMANDA TUPPER, AND HEIDI GRINDLE.**

Call to Order.

Chairman Phillips called the emergency meeting of the Ellsworth City Council to order at 8:00 AM.

Council Order #121600, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the following properties: 186 High Street (Map 131 Lot 042 000 000), 194 High Street (Map 131 Lot 044 001 000) and 200 High Street (Map 131 Lot 043 000 000) and to authorize the Deputy Treasurer/Tax Collector to execute a promissory note with the owner of the properties.

Amanda Tupper, Deputy Treasurer/Tax Collector stated Troy Adams contacted the City of Ellsworth and indicated he was financially unable to pay the \$27,583.63 necessary to stop the impending automatic foreclosure of his business properties on December 12, 2016. The properties are located on Map 131 Lot 042-000-000 (186 High Street), Map 131 Lot 044-001-000 (194 High Street), and Map 131 Lot 043-000-000 (200 High Street). The three properties do not have mortgage holders; however, currently they are under a sales and purchase contract. The City Council has the option of waiving foreclosure on the properties and allowing Adams to enter into a promissory note that requires monthly installments be paid on the taxes. Tupper noted that Adams was willing to pay ½ of the FY 2015 balance next Friday (12/16) and the remaining balance according to the terms of the promissory note. The note would be structured so that the FY 2015 and FY 2016 taxes are paid in full prior to the 2017 foreclosure date. Troy Adams explained he is expecting the pending sales to take place before the end of the year. One of the sales had been expected to take place already; however, was postponed due to a shortage of commercial appraisers. The sale could be postponed until as late as February 2017. He does have a signed contract by the potential buyers and their financing appears to be secured. The buyers are required to pay a substantial amount of the sale price next Friday (12/16) therefore Adams will have the ability to pay ½ of the amount due for the FY 2015 taxes on the promissory note at that time. If the appraisal does not come in at an adequate dollar amount the buyers are prepared to put more money down to ensure the sale takes place. Adams feels one of the sales will be finalized within 30 days. There was a discussion concerning the substantial deposit next Friday; Adams explained he should have referred to this as the profit from the sales. He will not be using all of this profit to pay off the promissory note only the required half down. This amount will be paid to the City on the day of the closing whether that is next Friday (12/16) or sooner. Adams stated he could pay the entire outstanding amount; however, that would significantly impact his available cash

Call to Order.

Approved - Council Order #121600, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the following properties: 186 High Street (Map 131 Lot 042 000 000), 194 High Street (Map 131 Lot 044 001 000) and 200 High Street (Map 131 Lot 043 000 000) and to authorize the Deputy Treasurer/Tax Collector to execute a promissory note with the owner of the properties.

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flow over the winter months. He will need to use some of the profit from the first sale to satisfy other mortgages and outstanding debt. The first sale is on the house and is only a small portion of the overall sale of the properties. Adams will need to satisfy all the taxes on the house at the first closing. There are no mortgage holders on the business properties. Adams has an outstanding balance of approximately \$78,000 in tax obligations with the City of Ellsworth. Councilor Fortier stated if the sales fall through he would like to see the promissory note structured to bring all of the taxes due current. This will help to ensure the Council is not considering this matter again next year. David Cole, City Manager noted it would be in the City's best interest to assist Adams with having an orderly sale rather than having the sale transactions involve foreclosed properties, or have empty buildings on High Street. Councilor Blanchette inquired about the status of the house if that sale takes place on next Friday and then the remaining sales fall through. Adams explained the buyback provision he has in place if that were to happen, as well as the available options to access the house through an easement in the deed. Councilor Crosthwaite inquired if this discussion satisfies the needs of Adams Commercial Broker, Mr. Noyes. Noyes noted it appeared the Council understood there would be two sales at two different closings. One closing is scheduled to take place within the next few days up to a week. The remaining taxes would need to be paid in full prior to the second closing planned to take place between 30 to 90 days, depending on the availability of a commercial appraiser. Everything has been approved up to the appraisal step.

On a motion by Fortier, seconded by Crosthwaite, it was unanimously

RESOLVED to approve Council Order #121600, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the following properties: 186 High Street (Map 131 Lot 042 000 000), 194 High Street (Map 131 Lot 044 001 000) and 200 High Street (Map 131 Lot 043 000 000) and to authorize the Deputy Treasurer/Tax Collector to execute a promissory note with the owner of the properties.

Adjournment.

*On a motion by Blanchette, seconded by Crosthwaite, it was unanimously
RESOLVED to approve adjournment at 8:14 AM.*

**Approved -
Adjournment at 8:14
AM.**

A TRUE COPY

ATTEST: _____
HEIDI-NOËL GRINDLE