

\*These are “Action Only” minutes. Video of comments may be found on recorded discs at City Hall or at [www.cityofbelfast.org](http://www.cityofbelfast.org).\*

**City of Belfast  
Council Chambers-Belfast City Hall  
Tuesday, April 1, 2014  
7:00 p.m.**

**Public Hearing #1**

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on April 1, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application by Saijai Chan d/b/a Thai Bhurapar Restaurant located at 37A Front Street, Belfast, Maine for a renewal Malt and Vinous Restaurant liquor license, interior only.

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

**Public Hearing #2**

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on April 1, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application by Donald L. Benson d/b/a All-Play LLC located at 49 Searsport Avenue, Belfast, Maine for a new Malt and Vinous license.

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

**Public Hearing #3**

Pursuant to the Special Amusement Ordinance of the City of Belfast and the provision of Title 28A Section 1054 MRSA a public hearing will be held in the Council Chambers of Belfast City Hall on April 1, 2014 at 7:00 p.m. or as soon as possible thereafter on a renewal application for Special Amusement Permit for Victor Flick Corporation d/b/a Colonial Theatre for Live Music, DJ , Karaoke, all Live Entertainment, and dancing at 163 High Street, Belfast, Maine, interior only.

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

**Public Hearing #4**

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on April 1, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application by Victor Flick Corporation d/b/a Colonial Theatre located at 163 High Street, Belfast, Maine for a renewal Malt and Vinous Restaurant Class III, IV liquor license, interior only.

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

### Public Hearing #5

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on April 1, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application by Seng Thai Corporation d/b/a Seng Thai Restaurant located at 139 Searsport Avenue, Belfast, Maine for a renewal Malt and Vinous Restaurant license, interior only.

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

### Public Hearing #6

Pursuant to Belfast Victualer License ordinance a public hearing will be held on April 1, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers at Belfast City Hall on the following applications for a renewal of their Victualer's License that expires on May 31, 2014.

Compass One LLC	d/b/a Belfast Café
Ronald E. Goldstein	d/b/a Belfast Co-op Store
Douglas Coffin	d/b/a Belfast Curling Club
Daniel J. Fortin	d/b/a Belfast Subway
Ronald Benjamin	d/b/a Belfast Variety, Inc.
C.N. Brown Company	d/b/a Big Apple #1037
Penelle Chase	d/b/a Chase's Daily LLC
Yan Xian Xie	d/b/a China One
David Crabiell	d/b/a Chocolate Drop Candy Shop
Therese Bagnardi	d/b/a Colonial Theatre
WDQ, Inc.	d/b/a Dairy Queen Brazier
Jerry Savitz	d/b/a Darby's Restaurant
Anthony Jacovino	d/b/a Delvino's Grill & Pasta House
Winmac Corporation	d/b/a Dunkin Donuts
Hannaford Bros. Co, LLC	d/b/a Hannaford Supermarket & Pharmacy #8241
Kevin Barrett	d/b/a Jack's Grocery
Anthony Jacovino	d/b/a LaVida
Rosamond C. Peters	d/b/a Nautilus Seafood & Grill
Barry Asalone	d/b/a Ocean's Edge Restaurant
Waldo Cty Healthcare Mgt	d/b/a Penobscot Shores
George A. Darling	d/b/a Perry's Nut House
Theodore Guerry	d/b/a Pig Out BBQ
Paul R. Brown, Esq.	d/b/a Capital Pizza Huts
The Otis Group Inc.	d/b/a Rollie's Bar & Grill
Douglas P. Frost	d/b/a Tarratine Tribe #13 IORM
The Crusty Crab, LLC	d/b/a The Front Street Pub

Matthew Kenney	d/b/a The Gothic Restaurant
Michael Casby	d/b/a Trillium Events
David Bowen, Treas.	d/b/a Waldo County Shrine Club Inc.
Weathervane Seafoods	d/b/a Weathervane Seafoods
Restwend LLC	d/b/a Wendy's
Raymond E. Young	d/b/a Young's Lobster Pound

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

### **Regular Council Meeting No. 19**

#### **1) Call to order**

**2) Present:** Mayor Walter Ash, Jr.; Councilors Mary Mortier, Roger Lee, Eric Sanders, Michael Hurley and Nancy Hamilton, and City Manager Joseph Slocum, and Admin. Assistant Manda Cushman.

#### **3) Pledge of Allegiance**

#### **4) Adoption of the agenda**

City Manager Joseph Slocum requested to move item **10) H** Update on possible withdrawal from RSU #20, to the beginning of the agenda.

Councilor Hamilton requested to add item **9) G** Request to appoint Hester Kohl to the Parks and Rec Commission to fill out the remainder of Commissioner Chip Curry's term, to the Consent Agenda.

Councilor Sanders, seconded by Councilor Hamilton, made a motion to adopt the agenda as amended. This motion was approved, 5-0.

#### **5) Acceptance of the minutes**

Regular Council Meeting of March 18, 2014.

Councilor Hamilton, seconded by Councilor Hurley, made a motion to accept the minutes from Regular Council Meeting of March 18, 2014. This was approved, 5-0.

#### **6) Open to the public**

Please state your name and town you are from when addressing the City Council.

1. Tony Kulik, Belfast, informed the Council about the change in date in the Army Corps of Engineer's public meeting on April 8<sup>th</sup>, 2014 at the Belfast Hutchinson Center.

2. Mandy Sawyer and Jessica Woods spoke to the Council about the Cinderella Project of Maine and invited the Council to their first Preview Night on April 4, 2014 at 5:30 pm at their Reny's Plaza location.

3. Laurie Allen, Belfast, addressed her requests to the City of Belfast for specific documentation.

4. Police Chief Michael McFadden and Linda Lee informed the Council about the new "Wanders Database" and invited the Councilors and public to come to their launch party at the Belfast Police Department on Friday, April 4, 2014 from 5:00 – 8:00 p.m.

## **7) Communications**

City Manager Joseph Slocum discussed the following with the Council:

- The letter of divestment of fossil fuels, requesting input from Council and insight to whom he should send the letter to once completed.
- The dredging meeting on April 8, 2014 at the Hutchinson Center from 12:30-2:30 p.m.
- Informed the Council that members of the Small Business Association will be at City Hall Wednesday, April 2, 2014 from 1:30 – 2:30 p.m. if anyone would like to attend.
- Explained to the Council and public what the documents were in front of his desk during this meeting, which were the documents he had pulled per Laurie Allen's request.

Councilor Hurley spoke about the long standing disagreement between Ms. Allen and the City of Belfast.

Councilors discussed the need to address specific roads that are in need of repair including Seaview Terrace.

Councilor Hamilton welcomed All Play, a new recreational facility to the community, as well as the "Fairy Godmothers" from the Cinderella Project and Linda Lee from the Wanders Database.

Councilor Hurley addressed 350 Waldo County, and his hope that they are going to every town within Waldo County to discuss divestment of fossil fuels.

Mayor Walter Ash thanked Our Town Belfast for the gift of a picture of Main Street by Diane Horton that they presented to the City of Belfast at the Annual Our Town Belfast Meeting.

Councilor Hurley addressed the upcoming video that they are making throughout the City of Belfast that will correlate to the Pharrell William's music video of the song "Happy."

## **8) Old Business and Council Committee Reports**

**9) Permits, Petitions and Licenses - Consent Agenda**

- A. Request to approve an application by Seng Thai Corporation d/b/a Seng Thai Restaurant located at 139 Searsport Avenue, Belfast, Maine for a renewal Malt and Vinous Restaurant license, interior only.
- B. Request to approve an application by VictorFlick Corp d/b/a Colonial Theatre located at 163 High Street, Belfast, Maine for a renewal Malt, and Vinous Restaurant Class III, IV liquor license, interior only.
- C. Request to approve an application by VictorFlick Corporation d/b/a Colonial Theatre located at 163 High Street, Belfast, Maine for a renewal Special Amusement Permit for Live Music, DJ, Karaoke, all Live Entertainment, and dancing, interior only.
- D. Request to approve an application by Donald L. Benson d/b/a All-Play LLC located at 49 Searsport Avenue, Belfast, Maine for a new Malt and Vinous license.
- E. Request to approve the following applications for a renewal of their Victualer’s License that expires on May 31, 2015.

Compass One LLC	d/b/a Belfast Café
Ronald E. Goldstein	d/b/a Belfast Co-op Store
Douglas Coffin	d/b/a Belfast Curling Club
Daniel J. Fortin	d/b/a Belfast Subway
Ronald Benjamin	d/b/a Belfast Variety, Inc.
C.N. Brown Company	d/b/a Big Apple #1037
Penelle Chase	d/b/a Chase’s Daily LLC
Yan Xian Xie	d/b/a China One
David Crabiell	d/b/a Chocolate Drop Candy Shop
Therese Bagnardi	d/b/a Colonial Theatre
WDQ, Inc.	d/b/a Dairy Queen Brazier
Jerry Savitz	d/b/a Darby’s Restaurant
Anthony Jacovino	d/b/a Delvino’s Grill & Pasta House
Winmac Corporation	d/b/a Dunkin Donuts
Hannaford Bros. Co, LLC	d/b/a Hannaford Supermarket & Pharmacy #8241
Kevin Barrett	d/b/a Jack’s Grocery
Anthony Jacovino	d/b/a LaVida
Rosamond C. Peters	d/b/a Nautilus Seafood & Grill
Barry Asalone	d/b/a Ocean’s Edge Restaurant
Waldo Cty Healthcare Mgt	d/b/a Penobscot Shores
George A. Darling	d/b/a Perry’s Nut House
Theodore Guerry	d/b/a Pig Out BBQ
Paul R. Brown, Esq.	d/b/a Capital Pizza Huts
The Otis Group Inc.	d/b/a Rollie’s Bar & Grill
Douglas P. Frost	d/b/a Tarratine Tribe #13 IORM
The Crusty Crab, LLC	d/b/a The Front Street Pub
Matthew Kenney	d/b/a The Gothic Restaurant

Michael Casby	d/b/a Trillium Events
David Bowen, Treas.	d/b/a Waldo County Shrine Club Inc.
Weathervane Seafoods	d/b/a Weathervane Seafoods
Restwend LLC	d/b/a Wendy's
Raymond E. Young	d/b/a Young's Lobster Pound

- F. Request to approve a Request to use Facilities application by Kristen Cowgill to utilize Heritage Park on the evening of May 28, 2014 for an overnight stay, leaving by 7:30 am on May 29, 2014 for the “Bike the US for MS,” a national event under the oversight of the National MS organization.
- G. Request to appoint Hester Kohl to the Parks and Rec Commission to fill out the remainder of Commissioner Chip Curry's term.

Councilor Hurley, seconded by Councilor Hamilton, made a motion to accept the Consent Agenda as amended. This motion was approved, 5-0.

**10) Business**

**H) Update on possible withdrawal from RSU #20.**

City Attorney Kristin Collins addressed the most recent Withdrawal Committee Meeting which occurred in mid-March, reviewed with the Council the current Withdrawal plans which does not including having the issue voted on during the June primary like they had originally thought.

Councilor Sanders informed the Council about the next Withdrawal Committee Meeting which will take place on Thursday, April 3, 2014 at 6:30 p.m. at the Morrill Community Center.

Councilor Mortier spoke about the Consultant Work Session on Friday, March 28<sup>th</sup> and reviewed the findings of Task #1, noting that these numbers are just the beginning of laying a foundation and that this is a process.

**A) Update from the Downtown Revitalization Committee on the re-construction of Cross Street and lower Spring Street and lower Miller Street.**

City Planner Wayne Marshall discussed where the Committee was within the planning and informed the Council that a more comprehensive review of the project would be presented to them at the Tuesday, April 15<sup>th</sup> Council Meeting in which Sebeo Techniques will be attending.

Councilors discussed briefly the project design and the Parks & Rec Commissions involvement in the process.

**B) Update and request for clarification for the financing of the rebuilding of Thompson's Wharf.**

City Manager Joseph Slocum explained the need for clarification and informed Councilors where the financing for the rebuilding of Thompson's Wharf would come from within the current budget.

There was no discussion between Councilors on the issue.

Councilor Lee, seconded by Councilor Hamilton, made a motion to accept the request for the City Manager to finance the rebuild of Thompson's Wharf from the Thompson's Wharf reserve fund (\$69,000) and the John Enk trust (\$94,670). The motion was approved, 5-0.

**C)** Authorization to enter into an agreement with Gartley & Dorsky, Consulting Engineers of Camden, for the purposes of doing a study of the Inner Harbor and identifying the best way to maximize the utilization of this space.

City Manager Joseph Slocum explained the purpose of the Inner Harbor study and informed the public that if they have any questions to contact the City Manager or Harbor Master.

There was no discussion between Councilors.

Councilor Lee, seconded by Councilor Hamilton, made a motion to accept the request for the City Manager to enter into an agreement with Gartley & Dorsky, Consulting Engineers of Camden for the purposes of doing a study of the Inner Harbor, fee for this service is in the amount of approximately \$19,750 which will be paid from the John Enk Fund. The motion was approved, 5-0.

**D)** Authorization to enter into an agreement with VHB Consulting Engineers to develop bid documents and specifications for the removal of the rail and railroad ties at the Belfast Rail Trail.

City Manager clarified that this was a request to modify the City's existing agreement with VHB Consulting Engineers.

There was little discussion between Councilors on the issues.

Councilor Lee, seconded by Councilor Hamilton, made a motion to accept request by the City Manager to modify the existing agreement with VHB Consulting Engineers to develop bid documents and specifications for the removal of the rail and railroad ties at the Belfast Rail Trail, funds for these services will come from the Rail Trail Trust account in the amount of \$4,700. The motion was approved, 5-0.

**E)** First Reading on a proposal from the Planning & Code Department to reduce electrical permit fees for commercial establishments.

City Planner Wayne Marshall explained why the Planning & Code Department came to the conclusion to reduce fees, and informed the Council that this proposal does not require a second reading if they so choose.

Councilor Hamilton, seconded by Councilor Mortier, made a motion to accept the first reading on a proposal from the Planning & Code Department to reduce electrical permit fees for commercial establishments. The motion was approved, 4-0 with Councilor Hurley stepping out of the room.

**F)** Update on CMP tree trimming in Belfast for 2014.

City Manager Joseph Slocum explained the reasoning for this tree trimming, where within the town that CMP & Lucas Tree would be trimming throughout the City, and how citizens could be placed on a contact list through CMP to have a consult with Lucas Tree prior to trimming at their property.

Councilor Hurley discussed the necessity of doing such trimmings on a regular basis.

**G)** Consideration of a suggestion for establishing a process to recognize community related service and volunteerism efforts to the greater Belfast Community.

City Manager Joseph Slocum explained the idea of honoring community members on a regular basis, and requested that if the Council would like to implement this into the agenda that he would work on an efficient process to have individuals or groups be nominated and honored.

Councilors discussed the idea and decided to move forward with this becoming a regular part of the agenda.

**H)** Update on possible withdrawal from RSU #20.

This agenda item was moved to the top of the agenda.

**I)** Request to remove a tree at the corner of Union and Race Streets.

City Manager explained where the tree was located and the Tree Warden's recommendation for removal.

There was no discussion.

Councilor Sanders, seconded by Councilor Lee, made a motion to accept the request to remove a tree at the corner of Union and Race Streets. The motion was approved, 4-0 with Councilor Hamilton stepping out of the room.

**J)** Request by the City Manager for an Executive Session to discuss a real property and economic development matter under 1 M.R.S.A 405 (6) C.

Councilor Lee, seconded by Councilor Hamilton, made a motion to go into Executive Session to discuss a real property and economic development matter under 1 M.R.S.A 405 (6) C at 9:11p.m. The motion passed, 5-0.

Councilor Hamilton, seconded by Councilor Hurley, made a motion to adjourn Executive Session to discuss a real property and economic development matter under 1 M.R.S.A 405 (6) C at 9:40 p.m. The motion passed, 5-0.

**K)** Request by the City Manager for an Executive Session to discuss a Union and personnel matters under 1 M.R.S.A 405 (6) D.

Councilor Hamilton, seconded by Councilor Mortier, made a motion to go into Executive Session to discuss a Union and personnel matters under 1 M.R.S.A 405 (6) D at 9:41p.m. The motion passed, 5-0.

Councilor Sanders, seconded by Councilor Hamilton, made a motion to adjourn Executive Session to discuss a real property and economic development matter under 1 M.R.S.A 405 (6) C at 9:53 p.m. The motion passed, 5-0.

**L)** Signing of Council Orders and housekeeping items.

Council Order # 48 Signed by Councilor Hurley, Ordered That:

The City Manager and the City Treasurer are authorized to spend \$500.00 as a match to the Community Transformation Grant awarded to the City of Belfast Pedestrian, Hiking and Biking

Committee to perform a Walkability Audit performed by the Friends of Midcoast Maine. Funds for the audit will come from capital account (730-630) Sidewalks. (Approved on Jan. 21, 2014)

Council Order #49 Signed by Councilor Lee, Ordered That:

The City Manager and the City Treasurer are authorized to spend \$163,670.00 to enter into an agreement with Delong Marine for the rebuilding of Thompson's Wharf. Funds will come from the following accounts as follows: \$69,000.00 will be paid from the Thompson's Wharf reserve fund and \$94,670.00 will be paid from the John Enk Trust. (Approved on April 1, 2014)

Council Order #50 Signed by Councilor Lee, Ordered That:

The City Manager and the City Treasurer are authorized to spend \$19,750.00 to enter into an agreement with Gartley & Dorsky Consulting Engineers of Camden for the purpose of conducting a study of the Inner Harbor to identify the best way to maximize use of space. Funds will come from the John Enk Trust. (Approved on April 1, 2014)

Council Order #51 Signed by Councilor Lee, Ordered That:

The City Manager and the City Treasurer are authorized to spend \$4,700.00 to amend the City's existing agreement with VHB Consulting Engineers for the purpose of assisting with the bidding and permitting process for removing the rails and railroad ties at the Belfast Rail Trail. Funds will come from the Rail Trail account (1-2014-00). (Approved on April 1, 2014)

Council Order #52 Signed by Councilor Hamilton, Ordered That:

The City Manager and the City Treasurer are authorized to spend \$515.00 per day for compensation to R.J.D Appraisal Services to act as the City's acting Assessor for 2014. Funds for this service will be paid for out of the salary lines already set for the assessment office budget account 120-501(Salary & Wages). (Approved on March 18, 2014)

Council Order #53 Signed by Councilor Hamilton, Ordered That:

The City Manager and the City Treasurer are authorized to spend \$100 per week from January 1, 2014 to May 12, 2014 and \$60 a week thereafter until July 1, 2014 as additional compensation to the Assistant to the Assessor. Funds for this compensation will come from account 120-501 (Salary & Wages). (Approved on March 18, 2014)

## 11) Open to the Public

1. Laurie Allen spoke to the Council about her request for documentation from the City of Belfast and her concerns with runoff at Seaview Terrace.
2. City Planner Wayne Marshall gave an update and quote on the adjustments to the lights along the Harbor Walk.

**12) Communications**

Councilor Hurley gave clarification about what “Open to the Public” means and that directly after is “Communications” which is meant for the Council to address anything they would like including what was said at “Open to the Public.”

City Manager Joseph Slocum noted that he will have the documents that were requested by Ms. Allen in his office for the next 5 days if anyone would like to see them, including Ms. Allen. After that time the documents will be put back to their corresponding locations within City Hall.

**13) Adjourn**

Councilor Sanders, seconded by Councilor Hamilton, made a motion to adjourn at 9:54 p.m. The motion passed, 5-0.

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF INFORMATION ON THE RECORD WHICH IS IN MY OFFICIAL CUSTODY

WITNESSETH



AMANDA CUSHMAN, BELFAST MAINE