# CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

**Joseph J. Slocum**
City Manager

**E-mail:** jslocum@cityofbelfast.org
**Tel:** (207) 338-3370 ext. 10
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**MANAGER'S REPORT**
Belfast City Council Meeting
Tuesday, January 20, 2015
**6:45 p.m.** Committee Interview
**7:00 p.m.** Regular Council Meeting

**TO: Mayor Walter Ash Jr. and Honorable Members of Belfast City Council**

**FROM:** Joseph J. Slocum, City Manager

**DATE**: Friday, January 16, 2015

**Agenda Items:**

**10-A** Request from the Parks and Recreation Director to use Capital Reserve funds to repair the swimming pool in City Park.

The pool at City Park has been losing water for years. Water cost money. We have done numerous tests and performed a variety of repairs. While this has made some improvement, we still have a problem. The Parks Director is recommending that we spend up to $15,000 from Parks Capital reserves for the purpose of repairing and re-sealing the pool surge tank. While he has an estimate of about $9,500, City bidding requirements say we must put this to competitive bid unless there's something special and unique about this vendor, in which case the Council could waive the bidding requirements. There is a memo on this issue from City Parks and Recreation Director Norman Poirier attached to this packet.

**10–B** Consideration of a request to place a memorial bench in Heritage Park.

George Squibb was a wonderful man and a dedicated volunteer for the Belfast Historical Society. There is a proposal to place Memorial bench bearing his name in Heritage Park. In your packet are copies of memos from Parks Director Norman Poirier along with photos of the

proposed location. I would certainly recommend approval but I would also recommend that the bench not be placed in the middle of the open grass area where children and adults play.

**10-C** Request by the Economic Development Director to approve the selection of an engineering firm for the City of Belfast's/Belfast Water District's Front Street Reconstruction Project, and to authorize City staff to negotiate a final price and scope of service with this firm.

There is a brief memo from City Economic Development Director Thomas Kittredge in your packet. We spent considerable time interviewing these engineering firms and will bring our recommendation to you at the meeting.

**10-D** Second Reading & Public Hearing on Changes to Amendment #8 to the Contract Rezoning Agreement between the City and DUBBA, LLC for the Front Street Shipyard project; construction of Building #6.

We are still working on a broad variety of fine details related to this issue and would ask that you table this matter for the time being. Normally we have public hearings on the language that is specifically proposed. We may change the language as the details are worked out and accordingly request that you do not take action by tabling the matter at this time.

**10-E** Further consideration and possible adoption of a mooring plan for the Inner Harbor.

There is a brief memo attached in your packet from City Harbor Master Kathryn Pickering. At the Councils requests the Harbor Committee, Harbor Master and various stakeholders had a follow-up meeting since your last meeting. There is a recommendation from the Committee that continues to include the Harbor Master's recommendation that two deep-water mooring locations be reserved for the City. There's also a recommendation that two addition moored floats be permitted for the Front St. Shipyard that are closer to the Armistice bridge. There's also a recommendation to move one float slightly up river to create more backup space in the turning basin in front of the Shipyards lifts, to accommodate very long and large boats.

We have not had time to professionally redraw these changes. If the Council wishes to approve the Plan with these recommendations then you may do so, subject to the Harbor Master reporting back with a final drawing that matches this amended Plan so that it can be attached to the Ordinance.

**10-F** First reading on proposed changes to the Harbor Ordinance Chapter 30 Section 30-32 and 30-94.

In order to properly manage and administer the Inner Harbor, the Harbor Master has advised that she needs clarification on the definition of what constitutes "commercial" activity. The Harbor Committee has recommended some changes which are attached to this packet. This is a good first step but we need to complete it.

The rules say that the Inner Harbor is reserved for commercial purposes. There has been ongoing concern that someone would simply get a permit to install a couple of moorings or moored floats and then rent them out to wealthier recreational boaters from other States when local Belfast Citizens themselves are prohibited from having their recreational moorings in the Inner Harbor. The claim would be that the rental process itself is what makes it "commercial" activity. Those with money, regardless of where they are from, could buy something like seasonal use of a "commercial" mooring in the Inner Harbor, when a less well-off local person could not have their "personal" recreational mooring in the same place.

The other side of the issue says that many of these Commercial moorings are used to help set boats up in the Spring and then decommission them in the Fall for Winter. This seems clearly to be "commercial" use. The question is whether or not those same floats can be rented for additional revenue for the season to recreational boaters.

This question has still to be reconciled by the Harbor Committee. They have been discussing this for well over a year. I note that the Front Street Shipyard told us in November that they needed to know in January if they could continue to rent these spots to seasonal recreational boats this summer.

I point out that not all local or out of town recreational boaters are banned from the Inner Harbor. Those on slips at the Shipyard, the Boatyard or even the City owned Thomson's Wharf all have recreational boaters paying a fee for recreational berth for the season.

The ultimate quandary here is that any of the existing users of the Inner Harbor- would if they could--- take every bit of space that they could for seasonal rental income and seasonal rental income alone.

The answer might be in affording the Harbor Master the discretion to permit moorings or moored floats in the Inner Harbor that may be rented for seasonal use but only if they have a primary use for servicing boats at the beginning and end of the season <u>and</u> that the commercial business has no other waterfront opportunity to do this work. This waterfront opportunity could include either public or privately owned space.

At this point we recommend that you accept the proposed ordinance changes.

In addition, I, as City Manager recommend that we presently allow the Shipyard to continue to rent seasonal moorings on their floats for this next season. A business should not be prejudiced because a Committee has not concluded its deliberations. If in the future such practices are banned, then the businesses should be able to have the time to plan for those adjustments.

**10-G** Further discussion on the City Managers request to put tax acquired property out to bid for public sale.

I provided the Council with information on the properties we have foreclosed upon. None of the former owners are knocking on our door to redeem them. They can do so any time before the bids are opened. I ask for permission to put them out to bid as I see no use- only expense in continuing to own them.

**10-H** Update on the Downtown Revitalization Project.

We received construction bids and they are greater than we expected. We are still evaluating them and our options give these proposed increases. We should be back to you shortly.

**10-I** Update and discussion on the Rail Trail (Councilor Hurley).

**10- J** Update and discussion on sidewalk shoveling and maintenance (Councilor Hurley).

**10-K** Request from the City Manager to go into Executive Session to discuss a request for a Poverty Abatement 36 M.R.S.A. 841.

**10- L** Request from the City Manager to go into Executive Session to discuss Union Matters pursuant to 1 M.R.S.A. 405 (6) D.

**10-M** Signing of Council Orders

That's it for now. Have a safe and enjoyable weekend and don't forget to buy as much as you can right here from our local businesses. If you want a good local economy then you need to support every piece of it-- both large and small. Many apartments are rented by people who work for low hourly rates or tips. Those renters help their landlords pay taxes and when they do they help keep the cost lower for all the other property owners in the City. Support your community so that it can support you.

**City of Belfast**
**Council Chambers-Belfast City Hall**
**Tuesday, January 20, 2015**
**6:45 p.m.** Committee Interview
**7:00 p.m.** Regular Council Meeting

**Public Hearing #1**

The City of Belfast shall conduct public hearings at the following meetings regarding minor amendments to the adopted Contract Rezoning Agreement, Amendment #8, entered between DUBBA, LLC and the City for the Front Street Shipyard project.

1) City of Belfast Planning Board, Wednesday, January 14, 2015, beginning at 6:30 p.m. or as soon as practical thereafter in the Council Chambers of Belfast City Hall which is located at 131 Church St.

2) Belfast City Council, Tuesday, January 20, 2015, beginning at 7:00 p.m. or as soon as practical thereafter in the Council Chambers of Belfast City Hall.

The amendments will change the date by which construction of Building #6 must be completed from the current date of June 30, 2015 to June 30, 2016, as well as clarify the amount of land the City will sell to the Shipyard and the location of some improvements. The Front Street Shipyard is located at 101 Front Street, and Building #6 is to be constructed on the City owned Front Street parking lot which the City is selling to DUBBA, LLC; said property is part of Map 11, Lot 136.

Persons who may be affected by this proposal are encouraged to attend the public hearings and to offer comment. Comment also may be submitted in writing or via email by the date of the respective hearings. Written comment to: Wayne Marshall, City Planner, City of Belfast, 131 Church St., Belfast, ME, 04915. Email comment to: wmarshall@cityofbelfast.org. Persons who may have questions can contact Wayne Marshall at wmarshall@cityofbelfast.org or at 338-1417 x 25.

**Regular Council Meeting No. 14**

**1) Call to order**

**2) Roll call:** Mayor Walter Ash, Jr.; Councilors Mary Mortier, Neal Harkness, Eric Sanders, Michael Hurley and John Arrison, City Manager Joseph Slocum, and Admin. Assistant Manda Cushman.

**3) Pledge of Allegiance**

**4) Adoption of the agenda**

**5) Acceptance of the minutes**

Regular Council Meeting of January 6, 2015.

**6) Open to the public**

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

**7) Communications**

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

Request to appoint Declan O'Connor as an alternate member to the Planning Board for a 5 year term.

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

No consent items.

**10) Business**

**A)** Request from the Parks and Recreation Director to use Capital Reserve funds to repair the swimming pool in City Park.

**B)** Consideration of a request to place a memorial bench in Heritage Park.

**C)** Request by the Economic Development Director to approve the selection of an engineering firm for the City of Belfast's/Belfast Water District's Front Street Reconstruction Project, and to authorize City staff to negotiate a final price and scope of service with this firm.

**D)** Second Reading & Public Hearing on Changes to Amendment #8 to the Contract Rezoning Agreement between the City and DUBBA, LLC for the Front Street Shipyard project; construction of Building #6.

**E)** Further consideration and possible adoption of a mooring plan for the Inner Harbor.

**F)** First reading on proposed changes to the Harbor Ordinance Chapter 30 Section 30-32 and 30-94.

**G)** Further discussion on the City Managers request to put tax acquired property out to bid for public sale.

**H)** Update on the Downtown Revitalization Project.

**I)** Update and discussion on the Rail Trail (Councilor Hurley).

**J)** Update and discussion on sidewalk shoveling and maintenance (Councilor Hurley).

**K)** Request from the City Manager to go into Executive Session to discuss a request for a Poverty Abatement 36 M.R.S.A. 841.

**L)** Request from the City Manager to go into Executive Session to discuss Union Matters pursuant to 1 M.R.S.A. 405 (6) D.

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

**11) Open to the Public**

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

**12) Communications**

**13) Adjourn**

10.A

MEMORANDUM

January 14, 2015

To: Joseph Slocum, City Manager
Honorable Mayor Ash and Belfast City Council
From: Norm Poirier, Belfast Parks and Recreation Department
Re: Request for Capital Reserve Funds for Pool Repairs

General Information

The Belfast City Park Pool has over many years dealt with water loss issues and in an effort to determine the cause has replaced caulking around the pool and gutter system and tested for leaks within the pool surface. The loss of water continues but not at the rate previously experienced 3-5 years ago. Even in conversations with Pool Director's some 10-15 years ago the loss of water was an issue then.

Recommendation

The Department would like to recommend a pressure test on the main drain lines from the pool to the surge pit, the resealing of the pit and the re-plumbing of the float valve in the pit. This will eliminate our concern that water is being loss through the drain system as well as re-build the surge tank and components. The surge tank has not had repairs in the past but had been planned for in 2012.

Department Request

Requesting authorization to access an amount not to exceed of $15,000 from Capital Reserves for the purpose of repairing and resealing the pool surge tank. Actual estimate of $9,500 has been received from Mike's Pool Service. This repair project would be completed this spring, 2015. The Parks Capital Reserve budget did receive $15,000 allocation from City Council in 2014-15 budget process.

10.B

MEMORANDUM

January 14, 2015

To: Joseph Slocum, Belfast City Manager
Honorable Mayor Ash and Belfast City Council
From: Norm Poirier, Belfast Parks and Recreation Department
Re: Bench Donation Request – Heritage Park

The Department has received a request from the Belfast Historical Society for the purchase and installation of a bench, photo attached, to be placed in Heritage Park. The bench will be placed in honor and memory of Mr. George Squibb, along-time friend and colleague of the Belfast Historical Society and Museum.

Since Mr. Squibb's passing the Museum has collected donations and would like to proceed with the Purchase and installation of the bench this spring as weather allows. Heritage Park was selected as the location due to Mr. Squibb's fondness with the Harbor and the daily activities of the Shipyard.

The request was presented to the Parks and Recreation Commission on January 8, 2015 and was unanimous in its approval. The Parks and Recreation Department will work with the Historical Society on the exact placement and installation of the bench.

Attachment: Request letter and bench photo

**Belfast Historical Society & Museum**
10 Market Street, Belfast, Maine 04915-6555
Tel: (207) 338-9229 Email: info@belfastmuseum.org

Norm Poirier Parks and Recreation
Mayor Ash
Belfast City Council
City Manager Joe Slocum

December 18, 2014

The Belfast Historical Society and Museum is requesting your permission to place a bench at Heritage Park in memory of our friend and colleague, Mr. George Squibb. George or Geordie (as he was known to his friends) passed away on September 29, 2014 and since that time donations to the historical society have been made in his honor. With those funds we have decided to purchase a bench, and with assistance from Parks and Recreation, place both the bench and two granite slabs to which the bench will be attached near the waters edge in Heritage Park. We'll also be placing a plaque to the bench, "In memory of George Squibb, from the Belfast Historical Society." Work to be accomplished in spring 2015.

George had great fondness for Belfast, its unique history, and especially for the harbor. He must have driven down by the public landing and Front Street Shipyard at least twice a day, just checking on the activity.

Thank you for your time and consideration,

Megan Pinette
President

Proposed Bench Type

Proposed Bench Location

10-C

Request by the Economic Development Director to have the City Council approve the selection of an engineering firm for the City of Belfast's/Belfast Water District's Front Street Reconstruction Project, and to authorize City staff to negotiate a final price and scope of service with this firm.

The City of Belfast, in partnership with the Belfast Water District, issued a Request for Proposals (RFP) for engineering services for the Front Street Reconstruction project on December 3rd, 2014, with a deadline of December 22nd, 2014. 6 firms responded to this RFP. A working group comprised of representatives from the City of Belfast and the Belfast Water District invited 3 of those 6 firms for interviews, which were conducted on January 14th, 2015. This working group was unanimous in its choice of firm to recommend to the City Council for approval. (The Board of Trustees for the Belfast Water District will have been consulted regarding this recommendation prior to the City Council's meeting on January 20th.) City staff however, sees a need at this time to conduct minor negotiations with the recommended firm to arrive at a final scope of work and price, and is requesting that authority at this time.

# AGENDA TOPIC 10-D

TO: Mayor & City Council

FROM: Wayne Marshall, City Planner

DATE: January 2, 2015

RE: First Reading of Proposed Changes to Amendment #8 - Contract Rezoning Agreement, Front Street Shipyard

**REQUESTED ACTIONS**

1) The Council should conduct the First Reading of proposed changes to the Amendment #8 Contract Rezoning Agreement between the City and DUBBA, LLC regarding the Front Street Shipyard project that involves construction of Building #6. The requested changes to Amendment #8 are described below.

2) The Council should scheduled the Second Reading and public hearing for these changes for your meeting of January 20, 2015. I have advertised the required public hearing notice for your January 20 meeting.

**BACKGROUND INFORMATION**

The City Council, on January 7, 2014, adopted Amendment #8 to the Contract Rezoning Agreement between the City and DUBBA, LLC. Amendment #8 mostly defined terms that the Front Street Shipyard must satisfy to construct Building #6 on the City owned Front Street parking lot. Building #6 is about 21,700 square feet in size, and is similar in size to existing Building #5. Building #6 will provide a building which the Shipyard's larger (480 ton) marine travel-lift can enter. The Shipyard's construction of Building #6 is a $4.5 million project, and will ultimately increase the number of employees at the Shipyard to an estimate of 150 employees.

The City, in May 2013, entered an Option to Lease the Front Street parking lot property to DUBBA, LLC. Terms of this lease were amended on January 7, 2014. A copy of the Option to Lease is attached. This Option to Lease provided the Shipyard an opportunity to lease and ultimately purchase the City's parking lot for $600,000. As the Council is aware, the Shipyard has provided notice to the City of their intent to execute the Option to Lease, and that they are now diligently working with a Maine based bank to secure financing to complete the purchase of the City owned parking lot. DUBBA's/Shipyard's intent to purchase the property triggered the need to re-examine several provisions of Amendment #8 to the Contract Rezoning Agreement, and the Option to Lease agreement. This also resulted in the need for revisions to the Comprehensive Master Agreement between the City and DUBBA, an agreement which identifies

the 20 plus land exchanges which have been entered between the City and DUBBA for the Front Street Shipyard property.

The Council recently discussed DUBBA's intent to purchase the parking lot at a December 30, 2014 special Council meeting, much of which occurred in Executive Session. The Council identified its interest in considering potential amendments to Amendment #8 to the Contract Rezoning Agreement. At your January 6 meeting, I am now bringing forward the proposed language that would implement suggested or needed changes, and presenting such for public consideration as the First Reading of amendments to the Contract Rezoning Agreement. Many of these same amendments are scheduled for review by the Planning Board at their meeting of January 14, 2015, and if you agree, would be scheduled for Second Reading and public hearing at your meeting of January 20, 2015.

An initial comment about the proposed First Reading amendments --- I ask that you not be overly alarmed or concerned by the sheer amount of text. Most of the text involves inserting changes to reference the dates associated with making revisions to Amendment #8, and ensuring the language is consistent through-out the document. There are a few substantive changes to Amendment #8 which I will highlight below. In highlighting such, the Council should recognize that pages 2 - 7 of this draft is the face page of the Contract Rezoning Agreement which identifies overall terms which the City Council has established. Pages 8-17 are the Attachment A Conditions of Approval recommended by the Planning Board which the Council also adopted, and these terms more particularly define requirements which must be met in the Shipyard constructing Building #6, and are directly related to the Site Plans the Shipyard has prepared for this work (which the Planning Board and Council also approved).

Substantive Changes to the Contract are as follows:

1) Page 4. Clauses 7.3 - 7.5. This clause identifies the Site Plan sheets that Gartley-Dorsky is revising for the project. These sheets will illustrate the boundary of the parcel that the City will sell to the Shipyard, the location of the Harbor Walk relief walkway easements, and the final lay-out of Building #6 and certain site amenities.

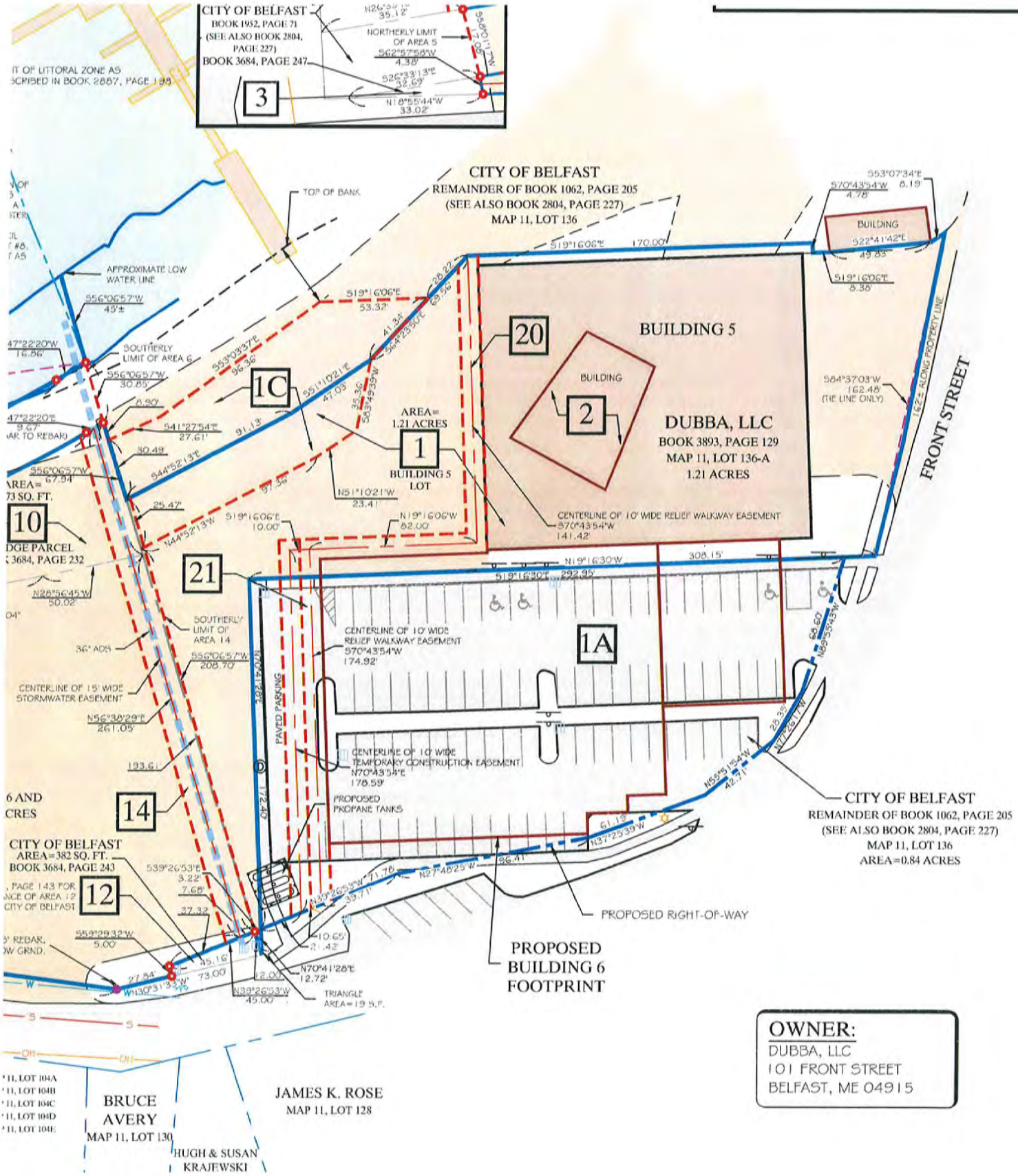
2) Page 6. Comprehensive Master Agreement. This Agreement identifies all land exchanges that have occurred between the City and DUBBA. The updated Master Agreement will reflect all Building #6 transactions, such as the amount of the Front Street parking lot that the City will sell to DUBBA, and the final terms of said Agreement will be presented to the Council at your meeting of January 20 for adoption. I note that the Plan you have received, a copy of which is attached, identifies the land exchanges involved with Building #6.

3) Page 12. Paragraphs regarding Building #6. Two main changes in this clause. First, the date by which the Shipyard is to complete construction of Building #6 is changed from June 30, 2015 to June 30, 2016. The June 30, 2016 date should allow the Shipyard to complete construction of Building #6 if they begin construction in either the spring or fall of 2015. Secondly, if the Shipyard needs to request an extension to the date of completion, for either Building #6 or the approved addition to Building #6, that request would be considered solely by the City Council rather than both the Planning Board and the City Council.

4) Page 13 and 14, Clause #20. This clause was revised to reflect minor changes to the lay-out of the relief walkways for the Harbor Walk. These changes are depicted on the Comprehensive Master Agreement and the Site Plan sheets.

5) Page 15, Clause # 25. Applicant City Lease Agreements. The amendments ensure consistency between the language in the Contract Rezoning Agreement and that shown on the Comprehensive Master Agreement based on the portion of the City owned parking lot that will be sold to DUBBA.

Again, while there is a lot of verbiage, the number of substantive changes are quite small and are consistent with the direction that I believe staff has received from the Council. I would be happy to address any questions.




**OWNER:**
DUBBA, LLC
101 FRONT STREET
BELFAST, ME 04915

10. E

City of Belfast

Katherine Messier <harbormaster@cityofbelfast.org>

## Council Agenda Jan 20, 2015 Harbor

1 message

**Katherine Pickering** <harbormaster@cityofbelfast.org> Wed, Jan 14, 2015 at 3:26 PM
To: Joseph Slocum <citymanager@cityofbelfast.org>

Good afternoon Joe,

Just an update on the Harbor Committee meeting yesterday:

The Committee spoke at length with FSSY regarding the turning basin across from the travel lift and moving the two floats at the top of the turning basin. JB was hoping to have space down by the tug boats, but the Committee voted unanimously to move both floats up by the footbridge and allow some adjustment to the other two floats left on the turning basin. They still recommend the City keep the two floats near the tugs.

The chart of the harbor, including the Inner Harbor, currently is Appendix B in our harbor ordinance - Chapter 30. Should the Council, if they approve this plan, add it to that appendix?

The Committee also approved a recommendation for commercial definitions, which I've attached as amendments to our ordinance if you decide this should be a first reading (if there is time to do that).

The Committee did not come to a decision on how to allocate commercial rental and service moorings and plan to discuss it again at a meeting scheduled for Feb 11th.

I'm hoping to take two weeks off from Feb 16 through the 27th so I'll talk to you more about scheduling this on a council agenda when you have time to meet.

Thanks!

Kathy

--
Katherine M Pickering
Harbor Master
City of Belfast 04915
131 Church St.
207-338-1142

**Council Jan 20, 2015 Comm Definitions.doc**
25K

January 14, 2015

10.F

**Commercial Definitions**
**Harbor Advisory Committee**
**Recommended Amendments to the City of Belfast Harbor Ordinance**

The following definitions were put together by Kristin Collins from Bill Kelly's Office in April of 2013 at the request of the Council. The Harbor Committee reviewed these definitions at that time, and decided to strike out the last sentence in each of the Commercial Business definitions as they felt that statement wasn't appropriate until the allocation of rental permits was discussed. The Harbor Committee again reviewed these definitions at their last meeting on January 13, 2015 and voted unanimously to accept them with the previous changes.

These definition changes also mean the priority list for commercial use in the Inner Harbor: Sec 30-94, should also be amended as below:

## Chapter 30:

## MARINE ACTIVITIES

The following Commercial User Definitions to be added:

**Sec. 30-32 Definitions.**

**Resident Commercial Fisherman:**

A person who occupies a dwelling in the City of Belfast for more than 180 days in a calendar year, who holds a commercial Marine License issued by the Department of Marine Resources, and who requires use of a moored vessel to earn a substantial portion of his or her income through fishing.

**Resident Commercial Business:**

A business that has its principal place of business within the City of Belfast and that provides marine-related services including but not limited to construction, service, storage, or maintenance of vessels, mooring inspections, charters, launch services, or other services to boaters such as food or supplies. In order to receive a mooring permit, a Resident Commercial Business shall demonstrate to the satisfaction of the Harbor Master that it requires use of a mooring as an operational necessity of its business. ~~Priority for rental permits will be given to commercial businesses that already provide services to transient boaters as of the date of the request.~~

**Non-resident Commercial Fisherman**

A person who holds a Marine License issued by the Department of Marine Resources, and who requires use of a moored vessel to earn a substantial portion of his or her income through fishing, but does not occupy a dwelling in the City of Belfast for more than 180 days in a calendar year.

**Non-resident Commercial Business**

A business that provides marine-related services including but not limited to construction, service, storage, or maintenance of vessels, mooring inspections, charters, launch services or other services to boaters such as food or supplies, but does not have its principal place of business within the City of Belfast. In order to receive a mooring permit, a Non-resident Commercial Business shall demonstrate to the satisfaction of the Harbor Master that it requires a mooring as an operational necessity of its business. ~~Priority for rental permits will be given to Resident Commercial Businesses that already provide services to transient boaters as of the date of the request.~~

**Sec. 30-94 Commercial mooring area.**
[Ord. No. 55-2003, 6-17-2003; Ord. of 2-15-2011]

The commercial mooring area is defined on the south by a line parallel to the outer section of the north side of the breakwater, point "C" to the east side of Belfast Harbor, point "D" and on the north by the footbridge. Mooring sites shall be assigned by the following priority guidelines as space allows:

(1) Shorefront owner.
(2) ~~Resident commercial fishing vessel.~~ Resident Commercial Fisherman
(3) ~~Resident commercial vessel~~ Resident Commercial Business.
(4) ~~Resident commercial mooring~~. Non Resident Commercial Fisherman
(5) ~~Non-resident commercial vessels~~. Non Resident Commercial Business
(6) Other.

City of Belfast

10.J

Joseph Slocum <citymanager@cityofbelfast.org>

## agenda

1 message

**Mike Hurley** <mike@pilut.com> Fri, Jan 16, 2015 at 11:56 AM
Reply-To: mike@pilut.com
To: Joe Slocum <jslocum@cityofbelfast.org>

Hi Joe/ please add 2 items to Tuesdays agenda:

1. the sidewalk shoveling and maintenance
2. Update and discussion on the Passy Rail Trial

These are both subjects that a majority of councilors want to talk about on Tuesday.

On snow shoveling: the current system is not working. It cannot lack an enforcement mechanism and instead relies on you being personally required to identify and hand pick enforcement remedies. This is not your job. It is not Thomas's job. That you or Thomas have to take time to deal with this is a serious waste of your expertise. I'll be happy to talk about this but we need a policy, enforcement, and action that takes place without you putting your hands or mind on it. A combination of the parking enforcement guy issuing a warning while referring it to Highway or a private snow removal company for immediate removal or some variation is what's required. The council wants this fixed. We have over half a dozen that are not shoveling and it needs to be taken care of. We want to enforce action Tuesday night and get this done.

The same needs to be done with business major thoroughfares not cleaning their driveways snow into sidewalks. They continue to do it and we need to take action and stop it.

On rail trail: April 1 is 10 weeks away: we need to agree to a plan for what is going to happen in the first of Spring. Let's talk about it on Tuesday.

Thanks/ Mike

Michael D. Hurley

93 Main Street

Belfast ME 04915

**Memo: To all Tenants, Property Managers and Owners of Downtown Property**

**Re: Obligation to clear sidewalks in front of your property**
**Date: December 9, 2011**

Hello and holiday greetings to each of you

The purpose of this letter is to first thank those of you who are complying with Belfast Code section 50-72 which requires the Tenants, Property Managers and Property Owners to be responsible for clearing the snow on the sidewalk adjacent to their building before 10:00 a.m. on the first business day after a fall of snow during the night. We drop off a similar letter every year.

Secondly, we remind everyone with this letter that the Code reads as follows:

Sec. 50-72 Removal from roofs and sidewalks

(a) The owners of all buildings with sloped roofs from which sliding snow and ice may fall upon a public sidewalk or public way are required to take appropriate measures to [protect persons and property from injury or damage occurring from such snow or ice falling from the roof.

(b) The tenants, occupants, or persons having the care of any building adjacent to public sidewalk, or, if there is no tenant, the occupant or other person having care of such buildings, or the owner thereof, shall within a reasonable time after snow ceases to fall in the daytime , and before 10:00 a.m. in the morning on the first business day after a fall of snow in the night, cause to be removed from the as sidewalks so much of the snow and ice as will create a reasonable passage sufficient for pedestrian traffic. If he fails to do so, the highway department may have such snow and ice removed, and such tenant, occupant, custodian, or owner of such building whose duty it is under this section to remove such snow shall reimburse the City for all sums paid and expenses incurred by the highway department.

Adjacent means near or next to. If you own the building and you own the property then we will expect you to clean the public sidewalk near or next to your property. This is a 7 day a week requirement which applies whether the building is open for

business, occupied or not. There is no exception for vacant buildings or absentee owners. If you own the building then the obligation belongs to you. If your building is set back with parking or otherwise you still have the obligation to keep the public walkway in front of your property clear of ice and snow to permit reasonable passage for pedestrian travel

Finally we need to remind everyone that the City needs to enforce this requirement as the City Code requires for everyone's benefit. One business or property owner can make downtown pedestrian travel poor for everyone else. For those who do not comply, the City will have to hire a private contractor to clear your sidewalk and forwarding the bill onto the building owner.

The City does have a City Employee who inspects and photograph unattended sidewalks in the Downtown area at 10:30 a.m. "in the morning on the first business day after a fall of snow". If they find that the sidewalk has not been addressed, then once they call a contractor- even if the sidewalk is later cleaned by the tenant or owner etc -then a bill for City expenses- including a contractor show up fee or a removal fee as circumstances warrant will be sent to the owner of the building. Unpaid bills could lead to possible liens being placed on the property.

So many downtown businesses have been so great in keeping the sidewalks in front of their building cleared. Please work with each other to benefit each other.

There is no joy for the City to collect more money from any property owner. Please help us avoid that possibility.

If you have any questions please don't hesitate to contact me.

Thank you all for your anticipated cooperation.

Sincerely,

Joseph J. Slocum
City Manager

# CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

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**Memo: To all Tenants, Property Managers and Owners of Downtown Property**

**Re: Obligation to clear sidewalks in front of your property**
**Date: January 16 , 2015**

Hello and holiday greetings to each of you

The purpose of this letter is to first thank those of you who are complying with Belfast Code section 50-72 which requires the Tenants, Property Managers and Property Owners to be responsible for clearing the snow on the sidewalk adjacent to their building before 10:00 a.m. on the first business day after a fall of snow during the night. We drop off a similar letter every year.

Secondly, we remind everyone with this letter that the Code reads as follows:

Sec. 50-72 Removal from roofs and sidewalks

(a) The owners of all buildings with sloped roofs from which sliding snow and ice may fall upon a public sidewalk or public way are required to take appropriate measures to [protect persons and property from injury or damage occurring from such snow or ice falling from the roof.

(b) The tenants, occupants, or persons having the care of any building adjacent to public sidewalk, or, if there is no tenant, the occupant or other person having care of such buildings, or the owner thereof, shall within a reasonable time after snow ceases to fall in the daytime , and before 10:00 a.m. in the morning on the first business day after a fall of snow in the night, cause to be removed from the as sidewalks so much of the snow and ice as will create a reasonable passage sufficient for pedestrian traffic. If he fails to do so, the highway department may have such snow and ice removed, and such tenant, occupant, custodian, or owner of such building whose duty it is under this section to remove such snow shall reimburse the City for all sums paid and expenses incurred by the highway department.

Adjacent means near or next to. If you own the building and you own the property then we will expect you to clean the public sidewalk near or next to your property. This is a 7 day a week requirement which applies whether the building is open for business, occupied or not. There is no exception for vacant buildings or absentee owners. If you own the building then the obligation belongs to you. If your building is set back with parking or otherwise you still have the obligation to keep the public walkway in front of your property clear of ice and snow to permit reasonable passage for pedestrian travel

Finally we need to remind everyone that the City needs to enforce this requirement as the City Code requires for everyone's benefit. One business or property owner can make downtown pedestrian travel poor for everyone else. For those who do not comply, the City will have to hire a private contractor to clear your sidewalk and forwarding the bill onto the building owner.

The City does have a City Employee who inspects and photograph unattended sidewalks in the Downtown area at 10:30 a.m. "in the morning on the first business day after a fall of snow". If they find that the sidewalk has not been addressed, then once they call a contractor- even if the sidewalk is later cleaned by the tenant or owner etc -then a bill for City expenses- including a contractor show up fee or a removal fee as circumstances warrant will be sent to the owner of the building. Unpaid bills could lead to possible liens being placed on the property.

<u>So many downtown businesses have been so great in keeping the sidewalks in front of their building cleared. Please work with each other to benefit each other.</u>

There is no joy for the City to collect more money from any property owner. Please help us avoid that possibility.

If you have any questions please don't hesitate to contact me.

Thank you all for your anticipated cooperation.

Sincerely,

Joseph J. Slocum
City Manager