

City of Belfast
Council Chambers-Belfast City Hall
Tuesday, May 19, 2015
7:00 p.m.

Public Hearing #1

The City of Belfast will hold a Public Hearing on Tuesday, May 19th, 2015 at 7:00 PM, immediately prior to its regular to its regularly-scheduled City Council meeting, in the Council Chambers of Belfast City Hall, 131 Church Street, Belfast, Maine, to discuss acceptance of a Community Development Block Grant (CDBG) Economic Development Program grant in the amount of \$800,000. The purpose of the grant is to provide funding to OnProcess Technology to be used as working capital, to purchase telephony, computer, and other equipment, and to provide job training.

All persons wishing to make comments or ask questions about the acceptance of these funds are invited to attend this Public Hearing. Comments may also be submitted in writing to: Thomas Kittredge, Economic Development Director, City of Belfast, 131 Church Street, Belfast, Maine 04915, or via e-mail to economicdevelopment@cityofbelfast.org at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's programs or services, please call Thomas Kittredge, Economic Development Director, at (207) 338-3370, extension 16, so that accommodations can be made.

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 May 19, 2015 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear 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.

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

Public Hearing #3

Pursuant to Belfast Victualer License ordinance a public hearing will be held on May 19, 2015 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 Victualer License renewal, due to expire May 31, 2015.

Theodore Rakis

d/b/a

Alexia's Pizza

Michael Bowen	d/b/a	Bowen's Tavern LLC
Joseph Benjamin	d/b/a	Belfast High Street Market
Joseph Benjamin	d/b/a	BV 52 LLC
Daniel Jones	d/b/a	Laan-Xang Café
Chris Roberts	d/b/a	The Juice Cellar
Michelle Berry	d/b/a	Moonbat City Baking Co.
Kevin Barrett	d/b/a	Jack's Grocery
Mooring's Oceanfront Resort Inc.	d/b/a	Papa J's

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 May 19, 2015 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application my Maine Farmland Trust, located at 97 Main St., Belfast, Maine for a new Malt license, for the Maine Fare Event located at the Belfast Boathouse, 34 Commercial St., Belfast, Maine being held on June 27, 2015.

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

Public Hearing #5

Pursuant to Belfast Victualer's License Ordinance a public hearing will be held on Tuesday, May 19, 2015 at 7:00 p.m., or as soon as possible thereafter in the Council Chambers of Belfast City Hall on an application for a new Victualer Licence for Robert W. Wlodyka d/b/a The Mill Restaurant Bar & Ice Cream Shop located at 100 Searsport Ave., Belfast, Maine.

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

Regular Council Meeting No. 22

1) Call to order

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

3) Pledge of Allegiance

4) Adoption of the agenda

City Manager Joseph Slocum requested to amend the agenda as follows:

- Change item **10) A** to **10)B**

- Change item **10) B** to **10) C**
- Change item **10) C** to **10) A**
- Remove item **10) J**
- Add item **10) M #1** Request to go into Executive Session to discuss an Economic Development matter pursuant to 1 MRSA 405 (6) C.

Councilor Arrison requested to remove item **10) D**, as the item has yet to be reviewed by the Harbor Committee.

Council discussed removing item **10) D**, unanimously deciding to discuss this item and refrain from making any motion on the request at this time until it is brought before the Harbor Committee.

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

5) Acceptance of the minutes

Regular Council Meeting of May 5, 2015.

Councilor Arrison requested the following amendments to the minutes of May 5, 2015:

- Change the spelling of citizen name: Joanne Moesswilde
- Change the vote for item **10) E #1** to 3-1 (Councilor Harkness opposed)

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the minutes from Regular Council Meeting of May 5, 2015 as amended. This was approved, 5-0.

6) Open to the public

1. Aynne Ames, Cold Comfort Theater gave an update on coming events through the season and invited the Council to attend an upcoming production.

2. William Pollock, American Legion Post #43 informed the Council that the Memorial Day Parade has changed the route, they will now conduct the Memorial Services prior to the parade, and the parade will still begin at 10:00 a.m. from the Reny's parking lot.

3. Peter DelGreco, Maine & Company introduced a new employer to Belfast, OnProcess Technology and asked Richard Surace and Rick Lunetta from OnProcess Technology to speak to the Council.

4. Richard Surace, OnProcess Technology thanked everyone that was part of the process to locate OnProcess Technology to Belfast. The grand opening is planned for June 22nd.

5. Rick Lunetta, OnProcess Technology thanked the Council and informed the public that they will be conducting a job fair at the Hutchinson Center on May 20th and 21st.

Councilors thanked OnProcess Technology and noted that they look forward to working together.

7) Communications

Councilor Arrison informed the public that work on Rt. 1 & 141 has begun.

Councilor Harkness thanked all involved insuring that the well at the Head of Tide was rebuilt, and informed the public that on July 19th the Democratic Party will be holding a meeting at the Hutchinson Center.

Councilor Mortier informed the public that as part of the Rotary's 90th Anniversary they will be having an Open House on May 27th from 5:00 p.m. to 7:00 p.m. at the Shrine Club.

Councilor Sanders informed the public that RSU 71 has hired a new Superintendent and thanked all involved in the Memorial Services that are conducted on Memorial Day.

Councilor Hurley thanked all those involved in the All Roads Music Festival and for allowing WERU use City Hall for the event.

City Manager Joseph Slocum discussed the following:

- CMP is conducting tree trimming in Belfast, if you want to be consulted before they cut on your property you need to sign up online or call, all this information is available on the City website.
- Brush pick-up is completed, if you have any brush you need to make your own arrangements to bring it to the Belfast Transfer Station.
- The tax lien process has begun.
- The tree spade relocated the trees from the Front Street parking lot on Friday, May 15th.
- Explained the reasoning of occasionally needing to approve an off premise liquor license after the event has occurred.
- Thanked Thomas Kittredge, Wayne Marshall and the Council for taking a proactive approach to economic development, and working to assist business big and small to be part of Belfast.

8) Old Business and Council Committee Reports

Councilor Arrison informed the Council that the Broadband Investigative Committee will have their first meeting on Friday, May 22nd.

9) Permits, Petitions and Licenses - Consent Agenda

- A. 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.
- B. Request to approve the following applications for a Victualer License renewal, due to expire May 31, 2015:

Theodore Rakis
Michael Bowen

d/b/a Alexia's Pizza
d/b/a Bowen's Tavern LLC

Joseph Benjamin	d/b/a	Belfast High Street Market
Joseph Benjamin	d/b/a	BV 52 LLC
Daniel Jones	d/b/a	Laan-Xang Café
Chris Roberts	d/b/a	The Juice Cellar
Michelle Berry	d/b/a	Moonbat City Baking Co.
Kevin Barrett	d/b/a	Jack's Grocery
Mooring's Oceanfront Resort Inc.	d/b/a	Papa J's

- C. Request to approve an application by Maine Farmland Trust, located at 97 Main St., Belfast, Maine for a new Malt license, for the Maine Fare event located at the Belfast Boathouse, 34 Commercial St., Belfast, Maine being held on June 27, 2015.
- D. Request to approve an application by Robert W. Woldyka d/b/a The Mill Restaurant Bar & Ice Cream Shop located at 100 Searsport Ave., Belfast, Maine for a new Victualer License.
- E. Request to approve an off premises catering permit for Trillium Events, Inc for Cornerspring Montessori School Auction at the Waldo County Shrine Club on May 23rd from 6:00 p.m. to 9:00 p.m.
- F. Request to approve an off premises catering permit for Rollie's Bar & Grill for Cold Comfort Theater Fundraiser at the Waldo County Shrine Club on May 10th from 6:00 p.m. to 10:00 p.m.
- G. Request to approve an off premises catering permit for Rollie's Bar & Grill for Cold Comfort Theater Fundraiser at the Waldo County Shrine Club on May 11th from 6:00 p.m. to 10:00 p.m.
- H. Request to approve an off premises catering permit for Rollie's Bar & Grill for Cold Comfort Theater Fundraiser at the Waldo County Shrine Club on May 12th from 6:00 p.m. to 10:00 p.m.
- I. Request to approve an off premises catering permit for Rollie's Bar & Grill for Golden Eagle Award Dinner/Fundraiser at the Hutchinson Center on May 13th from 5:00 p.m. to 9:00 p.m.
- J. Request to approve an off premises catering permit for Crusty Crab LLC d/b/a Front Street Pub for Chamber of Commerce Fundraiser at the Belfast Area Chamber of Commerce on May 7th from 5:00 p.m. to 8:00 p.m.
- K. Request to approve a Lunch Wagon License permit application by Raymelle Moody-Guthrie d/b/a The Moody Dog located at 2 Cross St., Belfast, Maine.
- L. Request to approve a 6 month Blanket Letter of Approval for Games of Chance (Sealed Tickets) for the Frank D. Hazeltine Post #43 located at 143 Church Street, Belfast, Maine. This approval is granted for 7-days a week for sealed tickets for the time period of July 1, 2015 through December 31, 2015.
- M. Request to approve a Facility Use application by the Belfast Rotary Club for the 22nd Annual Pancake 5K Road Race on Sunday, October 11, 2015 from 8:30 a.m. – 11:00 a.m. starting and finishing at the Belfast Area High School parking lot.
- N. Request to approve a Facility Use application by the United Bikers of Maine, Waldo County Chapter for the Blessing of the Bikes event on Saturday, May 16, 2015 at 10:00 a.m. at Heritage Park.
- O. Request by the Fire Chief to confirm Donald Dinsmore as a member of the Belfast Fire Department as a paid per call Firefighter.
- P. Request from Our Town Belfast to gift the City with the 30 chairs and benches associated with the Please Be Seated Project.

Councilor Hurley, seconded by Councilor Mortier, made a motion to accept the consent agenda. This motion was approved, 5-0.

10) Business

A) Request to provide the City Manager with the authority to sign an Indemnity Agreement with OnProcess Technology to protect the City from a default under this grant.

Economic Development Director Thomas Kittredge explained the purpose of an Indemnity Agreement and requesting to give the City Manager authority to sign the Indemnity Agreement once finalized by the City Attorney.

Councilor Mortier, seconded by Councilor Hurley, made a motion to accept the request to provide the City Manager with authority to sign an Indemnity Agreement with OnProcess Technology to protect the City from a default under the \$800,000 CDBG EDP Grant, once finalized by the City Attorney. This motion was approved, 5-0.

B) Consideration of a request from the Economic Development Director to accept an \$800,000 CDBG EDP Grant on behalf of OnProcess Technology.

Economic Development Director Thomas Kittredge explained the grant requirements and that the purpose of the grant is to provide funding to OnProcess Technology to be used as working capital, to purchase telephony, computer, and other equipment, and to provide job training. He requested that the Council accept the grant provided that the Indemnity Agreement is finalized.

Councilor Mortier, seconded by Councilor Sanders, made a motion to accept the request to accept an \$800,000 CDBG EDP Grant on behalf of OnProcess Technology, provided that the Indemnity Agreement is finalized. This motion was approved, 5-0.

C) Request from the Economic Development Director to establish an Advisory Committee for this \$800,000 CDBG EDP Grant and to appoint its members.

Economic Development Director Thomas Kittredge explained that the Advisory Committee is a requirement of CDBG Grants, noting that these committees are intended to be more administrative and assist with handling complaints. He recommended appointing the following members: William Gerraughty, Thomas Kittredge, Richard Lunetta, and Wayne Marshall and noted that if the Council would like to add any members, such as a community they could direct that.

Councilor Arrison spoke about his concern that there is no community members on the committee and requested that the Council appoint these four members with the possibility of appointing a fifth member if anyone from the community comes forward before the June 2nd Council Meeting.

Councilor Arrison, seconded by Councilor Hurley, made a motion to accept the request by the Economic Development Director to establish an Advisory Committee for the \$800,000 CDBG EDP Grant and to appoint the following members: William Gerraughty, Thomas Kittredge, Richard Lunetta,

and Wayne Marshall, with the possibility of appointing a fifth member represented by the community at the June 2nd Council Meeting. This motion was approved, 5-0.

D) Request from the Harbor Master for permission to enter into a contract with the Front St. Shipyard to act as the City's Booking Agent for City owned moorings within the Federal Navigation Project.

Harbor Master Kathy Pickering explained that the "Booking Agent" contract was one of the options that the Army Corps of Engineers put on the table to allow us to keep the 15 moorings that are permitted in the City's name within the Federal Navigation Project (FNP), in which Front Street Ship Yard has requested that they act as the City's "Booking Agent" for the season to allow them to keep some of their moorings within the FNP. She reviewed the role and requirements of the "Booking Agent" within the City's contract which is outlined in the Code of Ordinances.

JB Turner, Front Street Shipyard explained to Council that if allowed to be the City's "Booking Agent" it would allow them to keep a portion of their grant open until and Outer Harbor Plan is finalized, and that utilizing these moorings will allow them to hold onto costumers for the season even if they will not make a profit.

Council requested further information on deductible maintenance expenses.

JB Turner explained what maintenance expenses include, noting that it will only be the maintenance of the mooring itself and reviewed cost associated with decommissioning and re-commissioning a mooring.

Councilor Arrison discussed the need for this request to go before the Harbor Committee before being decided on by the Council because of the City's Code of Ordinances.

Council unanimously agreed to have this request brought before the Harbor Committee at their next meeting and to come back before the Council at the June 2nd Council meeting with any recommendations.

E) Discussion on establishing a policy of the limits of use of City facilities.

City Manager Joseph Slocum discussed with Council that the City is receiving more and more request for use of City facilities (such as our parks) for long term use, thus he is requesting the following:

1. Request to adopt a temporary moratorium for long term use of City facilities.
2. Request to have the Parks & Recreation Commission look into what other City's do for policies and report back to the Council with their recommendations.

Councilors discussed possible issues or concerns specifically with tabling vs. frequency of use.

Councilor Arrison, seconded by Councilor Hurley, made a motion to accept the request to adopt a 60 day moratorium for long term use of City facilities for advocacy type events, in which time the Parks & Recreation Commission will bring forward their recommendation of language for a policy. This motion was approved, 5-0.

F) First Reading on proposed amendments to the City Code of Ordinance which incorporates the federally defined flood maps within the City.

City Planner Wayne Marshall informed the Council that this is the first time in 25 years that the Federal Maps are being updated. He reviewed the maps, how they are interpreted and how the maps are changing. He noted that due to changes in the maps there are also new definitions that will need to be added to the City Code of Ordinance, Chapter 78.

Councilors discussed how these changes will affect property owners and their flood insurance.

The Public Hearing and Second Reading will be conducted at the June 16th Council Meeting.

Councilor Arrison, seconded by Councilor Hurley, made a motion to accept the First Reading on proposed amendments to the City Code of Ordinance which incorporates the federally defined flood maps within the City. This motion was approved, 5-0.

G) Update on discussions with CMP for the re-development of Washington Street.

City Planner Wayne Marshall informed the Council that at this point they are at a standstill with CMP, and the property owners are still actively working with the City's Economic Development Department for the re-development of Washington Street.

H) Update on the request from the owner of Rollie's Bar and Grill to acquire a piece of City property for purposes of expansion.

City Planner Wayne Marshall informed the Council of the following updates:

1. The proposal has gone before the Design Review Committee and was approved as presented.
2. The owners have begun to address management of waste and have secured a dumpster on Ed Hemmingsen's property.
3. They have addressed issues and concerns with all adjacent property owners.
4. At this point still no proposal on electrical.

Councilor Hurley discussed concerns with dumpsters in Downtown.

City Manager Joseph Slocum suggested having an informal conversation with all business owners about dumpster and waste management concerns.

I) Update on a request from the Front Street Shipyard to store a mast on City property.

City Planner Wayne Marshall informed Council that Front Street Shipyard did not received the bid, thus they will have no need for use of City property to store a mast, noting that the Shipyard wanted to thank the Council for working with them on this request.

J) Update on our re-development of the new "Park on Main" (Street).

Removed from agenda.

K) Request to approve draft minutes of the personnel hearing held on April 14, 2015.

Council briefly discussed the draft minutes.

Councilor Hurley, seconded by Councilor Mortier, made a motion to accept the minutes of the personnel hearing held on April 14, 2015. This motion was approved, 5-0.

L) Request to go into Executive Session to discuss a real estate matter under 1 MRSA (6) C.

Councilor Sanders, seconded by Councilor Arrison, made a motion to go into Executive Session to discuss a real estate matter pursuant to 1 M.R.S.A. 405 (6) C at 9:18 p.m. This motion was approved, 5-0.

Councilor Sanders, seconded by Councilor Arrison, made a motion to adjourn Executive Session to discuss a real estate matter pursuant to 1 M.R.S.A. 405 (6) C at 9:45 p.m. This motion was approved, 5-0.

M) Request to go into an Executive Session to discuss Union negotiations under 1 MRSA 405 (6) D.

Councilor Sanders, seconded by Councilor Arrison, made a motion to go into Executive Session to discuss Union negotiations pursuant to 1 M.R.S.A. 405 (6) D at 9:45 p.m. This motion was approved, 5-0.

Councilor Sanders, seconded by Councilor Arrison, made a motion to adjourn Executive Session to discuss Union negotiations pursuant to 1 M.R.S.A. 405 (6) D at 9:52 p.m. This motion was approved, 5-0.

M) #1 Request to go into Executive Session to discuss an economic development matter pursuant to 1 MRSA 405 (6) C.

Councilor Sanders, seconded by Councilor Arrison, made a motion to go into Executive Session to discuss an economic development matter pursuant to 1 M.R.S.A. 405 (6) C at 9:52 p.m. This motion was approved, 5-0.

Councilor Sanders, seconded by Councilor Arrison, made a motion to adjourn Executive Session to discuss an economic development matter pursuant to 1 M.R.S.A. 405 (6) C at 10:07 p.m. This motion was approved, 5-0.

N) Signing of Council Orders

Council Order # 50 Signed by Councilor Sanders, Ordered That:
The City Manager and the City Treasurer are authorized to expend up to \$5,000 to demolish a mobile home acquired through foreclosure. Funds will come from the Undesignated Fund Balance. (Approved on May 5, 2015)

Council Order # 51 Signed by Councilor Mortier, Ordered That:
The City Manager and the City Treasurer are authorized to expend up to \$22,651.76 for a new pick-up truck for the Cemetery Superintendent from Dutch Chevrolet in Belfast. Funds will come from the Cemetery Equipment Reserve Account (630-537) and the Maintenance Capital Reserve Account (630-593). (Approved on May 5, 2015)

Council Order # 52 Signed by Councilor Sanders, Ordered That:
The City Manager and the City Treasurer are authorized to expend up to \$1,186 for additional funding to rebuild the surge tank at the City Park Pool. Funds will come from the Park Maintenance Operating Account. (Approved on May 5, 2015)

Council Order # 53 Signed by Councilor Arrison, Ordered That:
The City Manager and the City Treasurer are authorized to expend up to \$8,500 as the City's 25% match for the Coastal Community Grant which will be utilized to develop a management plan for the City's Range Ways and Rights-of-Ways to the water. Funds will come from the Range Way Capital Project Fund (approximately \$6,250) and the remaining City funds to come from the Undesignated Fund Balance. (Approved on May 5, 2015)

11) Open to the Public

No comments.

12) Communications

Councilor Sanders reminded the public of the upcoming Trek Across ME event on Father's Day weekend and informed the public that they are still looking for volunteers.

Councilor Hurley addressed the following:

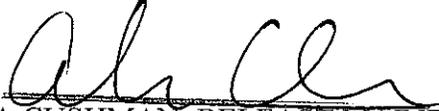
- Clarified that the CDBG Grant is coming from Federal tax dollars.
- Discussed safety concerns with outer Congress Street and Route 1 crossing, where there have been many accidents.
- Informed the Council that members of the Skate Park Committee would like to speak at an upcoming Budget Session if possible.

City Planner Wayne Marshall informed the Council that he had just recently looked at outer Congress Street with MDOT and it was determined that it does not meet the warrants for signalization at this time.

13) Adjourn

Councilor Sanders, seconded by Councilor Arrison, made a motion to adjourn the meeting at 10:07 p.m. This motion was approved, 5-0.

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

ATTEST 
AMANDA CUSHMAN, BELFAST MAINE