



CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

Joseph J. Slocum
City Manager

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MANAGER'S REPORT
Belfast City Council Meeting
Tuesday, December 1, 2015
7:00 p.m.

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

FROM: Joseph J. Slocum, City Manager

DATE: Wednesday, November 25, 2015

Agenda Items:

10-A Review and possible approval of engineering and design plans for the Front Street Reconstruction Project.

This involves a complete rebuild of Front Street from Main Street to Bridge Street. It is beneficiary of the \$1.6 million grant from the Federal Economic Development Agency. We had an extensive presentation of this proposed reconstruction at the November 17, 2015 Council Meeting. The public can revisit that presentation online by reviewing it on our website. This is a complete rebuild with new water and sewer lines, sidewalks, parking, drainage and stronger base and surface finish materials. There will be a public hearing prior to the start of the Council Meeting, City Planner Wayne Marshall and City Engineer Mandy Olver will be there to answer your questions.

10-B Update from the Harbor Master the development of an Outer Harbor Plan for Belfast.

The Council created an Ad Hoc Committee to make recommendations for the development of a long-term Outer Harbor Plan and requested recommendations be delivered to the Council by mid-December. A lot of solid work has been done and you will get an update from City Harbor Master Katherine Pickering at the meeting.

10-C Request from the Harbor Master to adopt harbor usage fees for 2016.

Attached in your packet is a memo from Harbor Master Katherine Pickering identifying the recommended use fees for next year. Her attachment includes recommendations as well as the Harbor Committee's recommendations for your consideration.

10-D Request from the Harbor Master to approve charter vessel contracts for 2016.

Again there is a memo from the Harbor Master in your packet that outlines the Harbor Committee's recommendation. These are normally done on an annual basis but there is a recommendation to make them multi-year.

10-E Request from Central Maine Power to close down a section of Washington Street to facilitate the cleanup of polluted soils.

There is a memo with a map attached to it included in the packet from City Planner Wayne Marshall.

This would be a six-month closure, and will still allow full access to the Washington Street parking lot and neighbors who normally get deliveries in the rear of the buildings. CMP was the former owner of the site and had a gasification plant there and they need to get in and remove a lot of soil to make the area safe for redevelopment. There are two windows proposed for closure CMP will identify which one works best for them: January 2016 to June 15, 2016 or October 15, 2016 to March 2017.

10-F Consideration of a recommendation from the City Manager to eliminate payment of tax payments from Waterfall Arts.

Over 10 years ago the City sold the former Anderson School to an artist group in an effort to build a cultural enhancement for the community that would benefit the neighborhood and the City for years to come. This was a new and major undertaking by a few individuals who have since struggled for the entire decade to make this cultural and social center a viable resource for the whole Belfast community.

The original agreement asked the new owners to pay one third of the normal property taxes as an unknown entity as a payment in lieu of taxes so that the City would be assured to get some benefit from this enterprise. Since that benefit was largely unknown at the time the payment in lieu of tax provision made sense. Today it does not.

10 years later Waterfall Arts has become a unique destination point and a crucial focal point of our community fabric. We no longer have to wonder whether it will provide a benefit to the neighborhood and the community. It is demonstrated that contribution in an overwhelming fashion. Aside from the hundreds of cultural events, artistic opportunities, a book load of enhancement to the local and regional arts economy, today the facility is absorbed the City's management of our celebrated farmers market, our premier ice-skating rink and the home of our annual winter fair. It was Waterfall Arts who helped the city secure \$50,000 grant to set up the Creative Coalition which we support annually. They have proven their value and their worth I firmly believe that if we knew 10 years ago what we know today we never would've asked for this payment in lieu of taxes in the first place. The City also uses their parking lot and facilities on a regular basis.

Waterfall Arts today is modeling our major community goals by working to enhance access to the disabled and reduction of our dependence on fossil fuels. No other nonprofit in the City is asked to pay a payment in lieu of taxes. In fact their nonprofit status may entitle them to an exemption of local property tax.

I had previously asked the City Assessor to look into this. He has in fact reviewed their application for tax exemption under the laws of the State and found that they are entitled to a local property tax exemption. Accordingly I am asking the Council to relieve Waterfall Arts, who is entitled to a full tax exemption under State Law, to eliminate any obligation to pay any payments in lieu of taxes as previously provided for by contract.

10-G Request from Central Maine Power to install a new telephone pole on Ocean Street for a new residence.

The request is attached to your packet. We will bring photographs of the location to meeting. City Public Works Director, Bob Richards, has visited the site and does not have any concerns with this request.

10-H Request to go into Executive Session to discuss a real property matter pursuant to 1 M.R.S.A. 405 (6) C.

10-I Signing of Council Orders

**City of Belfast
Consent Agenda
Tuesday, December 1, 2015
Meeting #11**

The following items are proposed as our Consent Agenda. As in the past the items are voted on in one blanket motion to the affirmative. One Councilor makes a motion to approve the items as stated, and then another Councilor will second that motion and the whole Council votes. If a Councilor requests an item be removed from the consent agenda, they do so during the adoption of the agenda. If a member of the public requests that an item be removed from the consent agenda, they can do so in the open to the public section. Suggested motions are listed and supporting material is enclosed.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve a twelve-month Blanket Letter of Approval for Game of Chance (Sealed Tickets) for the Randall Collins VFW Post 3108 located at 34 Field Street, Belfast, Maine. This approval is granted from January 1, 2016 through December 31, 2016.**

Motion to approve a twelve-month Blanket Letter of Approval for Game of Chance (Sealed Tickets) for the Randall Collins VFW Post 3108 located at 34 Field Street, Belfast, Maine. This approval is granted from January 1, 2016 through December 31, 2016.

- B. Request to approve a twelve-month Blanket Letter of Approval for Cards for the Randall Collins VFW Post 3108 located at 34 Field Street, Belfast, Maine. This approval is granted from January 1, 2016 through December 31, 2016.**

Motion to approve a twelve-month Blanket Letter of Approval for Cards for the Randall Collins VFW Post 3108 located at 34 Field Street, Belfast, Maine. This approval is granted from January 1, 2016 through December 31, 2016.

- C. Request to approve a twelve-month Blanket Letter of Approval for Beano for the Tarratine Tribe #13 I.O.R.M & Auxiliary located at 153 Main Street, Belfast, Maine. This approval is granted from January 1, 2016 through December 31, 2016.**

Motion to approve a twelve-month Blanket Letter of Approval for Beano for the Tarratine Tribe #13 I.O.R.M & Auxiliary located at 153 Main Street, Belfast, Maine. This approval is granted from January 1, 2016 through December 31, 2016.

- D. Request to approve a twelve-month Blanket Letter of Approval for Game of Chance (Sealed Tickets) for the Tarratine Tribe #13 I.O.R.M & Auxiliary located at 153 Main Street, Belfast, Maine. This approval is granted from January 1, 2016 through December 31, 2016.**

Motion to approve a twelve-month Blanket Letter of Approval for Game of Chance (Sealed Tickets) for the Tarratine Tribe #13 I.O.R.M & Auxiliary located at 153 Main Street, Belfast, Maine. This approval is granted from January 1, 2016 through December 31, 2016.

- E. Request to approve an off premises catering permit for Trillium Events, INC for the Our Town Belfast Dinner in the Library fundraiser located at the Belfast Free Library, 106 High Street, Belfast, Maine on December 19, 2015 from 6:30 p.m. to 9:30 p.m.**

Motion to approve an off premises catering permit for Trillium Events, INC for the Our Town Belfast Dinner in the Library fundraiser located at the Belfast Free Library, 106 High Street, Belfast, Maine on December 19, 2015 from 6:30 p.m. to 9:30 p.m.

- F. Request to approve an off premises catering permit for Trillium Events, INC for Whitecap Builders Holiday Party located at the Belfast Boathouse, 34 Commercial Street, Belfast, Maine on December 11, 2015 from 6:00 p.m. to 10:00 p.m.**

Motion to approve an off premises catering permit for Trillium Events, INC for Whitecap Builders Holiday Party located at the Belfast Boathouse, 34 Commercial Street, Belfast, Maine on December 11, 2015 from 6:00 p.m. to 10:00 p.m.

- G. Request to approve a City Facility Use application by Mary Mortier for the "19th Annual New Year's by the Bay" event from 2:00 p.m. December 31, 2015 until 2:00 a.m. on January 1, 2016.**

Motion to approve a City Facility Use application by Mary Mortier for the "19th Annual New Year's by the Bay" event from 2:00 p.m. December 31, 2015 until 2:00 a.m. on January 1, 2016.

- H. Request to approve a City Facility Use application by Our Town Belfast for the Annual Holiday Tree Lighting on December 5, 2015 from 4:30 p.m. to 5:30 p.m. in front of the Belfast Post Office.**

Motion to approve a City Facility Use application by Our Town Belfast for the Annual Holiday Tree Lighting on December 5, 2015 from 4:30 p.m. to 5:30 p.m. in front of the Belfast Post Office.

- I. Request to approve a City Facility Use application by Our Town Belfast for the 1st Annual Community Menorah Lighting on December 6, 2015 from 4:30 p.m. to 5:30 p.m. in front of the Belfast Post Office.**

Motion to approve a City Facility Use application by Our Town Belfast for the 1st Annual Community Menorah Lighting on December 6, 2015 from 4:30 p.m. to 5:30 p.m. in front of the Belfast Post Office.

9.6



**Request to use Facilities that
Belong to the Citizens of the City of Belfast
Updated February 5, 2015**

All applications and related documents bring to the Parks and Recreation Office at City Hall. 338-3370 Ext 27. The City Manager's Office will act as a backup.

The City of Belfast owns Streets, sidewalks, parks, land and buildings. It is the policy of the City that property belonging to the citizens of Belfast be available to the public. Unless specifically approved to the contrary, no public property will be set aside for the exclusive use of any individual or group and the general public will at all reasonable times have access to City property.

This is a planning checklist for your benefit as well as the City's. **If any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity.** Approvals cannot be given to individuals or groups who are uncertain of their plans.

Please attach maps, additional sheets, event outlines etc. - that help to explain your request.
If any of the following questions do NOT apply to your event simple write N/A (not applicable) in the space provided. Thank you.

1. State your name, phone number, e-mail address and identify whom you represent?
MARY P. L. MORTIER #323-1748 marym@92-94main.com
EXEC. Dir. NEW YEAR'S BY THE BAY 2016

If you are not going to be the primary contact for this event – then who is and please provide their full name, phone number and email address:

N/A

2. Describe in detail the nature of this event (What are you planning on?):
THIS IS THE 19th ANNUAL GRASS ROOTS, COMMUNITY NEW YEAR'S EVE CHEN-TREE, FAMILY ORIENTED, CULTURAL CELEBRATION OF BELFAST & THE NEW YEAR- THERE WILL BE 7-9 VENUES WITH TADORA PERFORMANCES. THERE WILL BE A MARCH WITH DRUMMING DOWN LOWER MAIN ST. & A BONFIRE BY THE BAY. THE EVENT BEGINS AT 2 P.M. & PERFORMANCES END BY 11:45 P.M. BONFIRE ENDS APPROX 2 A.M.

3. What facilities would you like to use or what permissions are you seeking with respect to City buildings, Parks, Lands, Streets, sidewalks? Please be specific.

BOAT HOUSE, DOWNTOWN SIDEWALKS FOR PUBLIC WALKING & STREETS FOR TRANSPORTATION & LOWER MAIN STREET FOR MARCH WITH DRUMMING 11:45 P.M. - MIDNIGHT, BEACH SOUTH OF PIER FOR BONFIRE MIDNIGHT - 2 A.M. REQUESTING A REDUCED, NON-PROFIT, COMMUNITY EVENT RATE FOR USE OF THE BOAT HOUSE.

4. What dates and times do you wish to have this event?

DECEMBER 31, 2015 2 P.M. - MIDNIGHT (BONFIRE 2 A.M.)

5. Are you asking to close off any City Streets? (Which ones, what dates, for how long a period of time each day?)

YES, LOWER MAIN ST. FROM THE TRAFFIC LIGHT TO THE PIER AREA. 11:45 P.M. - 12 MIDNIGHT.

If yes then who will manage these closed off Streets? _____

AS IN THE PAST THE POLICE DEPT.

6. Are you asking the City for anything other than use of the facilities you have described above?

SEE PG. 5 - DEPT. - SERVICE REQUESTED, PUBLIC WORKS (AS PREVIOUSLY)

7. How many people do you expect?

1,500 - 2,000

8. Will you be selling things at this event? What and by who if not you?

NYOB - JUST THE EVENT ADMISSION BUTTON. SEVERAL CHURCHES & NON-PROFITS WILL BE SELLING FOOD, SNACKS & NON-ALCOHOLIC BEVERAGES DURING THE EVENT IN PERFORMANCE VENUES.

9. Will any alcohol be served or consumed at this event? (If yes provide details)

Where? - Attach MAP THIS IS A CHEM-FACE EVENT!

By Whom: Name and Phone contact number:

N/A

10. Does this event call for any type of open fire - including for cooking purposes? (If so describe what fire safety measures you plan on employing associated with this potential hazard?)

THERE IS A BONFIRE ON THE SAND/PEBBLE BEACH, SOUTH OF THE PIER.
IT IS LIT AT MIDNIGHT & USUALLY BURNS DOWN TILL 2 A.M. WITH
SHOVELS TO USE FOR SAND ON THE ENDS, WATER BUCKETS. FIRE IS CONTINUOUSLY
ATTENDED, UNTIL FULLY BURIED.

11. Will you be renting spaces to vendors on City Property? Yes _____ No

If yes where do you propose they set up? (MAP Location) _____

N/A

12. Describe what type of vendor and the charges you propose to assess against them.

N/A

13. Will you have insurance in the amount of \$1,000,000 that also names the Inhabitants of the City of Belfast as an additional named insured party to hold the City of Belfast harmless from any and all injuries that may occur as the result of any negligence on your part in conducting this event?

YES, THROUGH OUR TOWN BELFAST, FROM THE QUEEN AGENCY.

14. Who is your insurance agent that will provide proof of this coverage to the City?

QUEEN AGENCY

15. Noise: What kind of noise do you expect to generate at this event and during which specific period of time?

MUSIC, DANCING, LAUGHTER

2 P.M. - MIDNIGHT

16. How do you propose to handle garbage removal?

THE PERFORMANCE VENUES HANDLE THEIR GARBAGE.

THE CITY PROVIDES BOATHOUSE \$5 TRASH BARRLS (OUTSIDE.)

17. How do you propose to handle parking?

ON CITY STREETS & PUBLIC LOTS. MANY ATTENDEES WALK

FROM THEIR HOMES.

18. How do you propose to handle security?

THERE ARE EVENT VOLUNTEERS TO EACH PERFORMANCE VENUE.

THIS HAS ALWAYS BEEN A WELL BEHAVED, RESPECTIVELY ATTENDED EVENT.

19. How do you propose to handle the need for restrooms?

THE PERFORMANCE VENUES PROVIDE THE RESTROOMS.

20. What is your plan/need for electricity or water?

THE PERFORMANCE VENUES PROVIDE BOTH.

21. Have you spoken to the neighbors in the area of this event and discussed traffic, noise, parking etc. with them?

NO, THIS IS THE 19th. YEAR OF THIS WELL KNOWN ANNUAL EVENT.

THE MUSIC IS INDOOR. THERE ARE NO HARD ROCK BANDS.

22. Who will be in charge of the event during the event and what are their home phone numbers, cell phone numbers, and email addresses - where they can be reached before and during this event?

MARY P. L. MORTIER - CELL #323-1748 (marym@92-94main.com)

23. Are you requesting any services from the City? Be specific on the services you are asking for

Department

Service Requested

City Manager

HOPE HE'LL BE A VENUE VOLUNTEER.

- CLOSE LOWER MAIN ST. FOR "MARCH" FROM 11:45 P.M. - MIDNIGHT

Police

- EMERGENCY BACK UP IF NEEDED

Fire/ Ambulance

- EMERGENCY BACK UP IF NEEDED

Parks

- HELP DEBRACING THE BOAT HOUSE BEFORE THE EVENT & TAKE DOWN AFTER

- VOLUNTEERS FOR "SENIORS" 2-4 P.M.

- PROMOTE "SENIORS" PERFORMANCE 2-4 P.M.

Public Works

- PLOW & SAND DOWNTOWN STREETS AS NEEDED
(SIDEWALKS)

- PUT OUT STRASH BARRELS - FIRST CHURCH, ULI CHURCH, BAPTIST CHURCH & BOATHOUSE

Harbor

N/A

Other?

Remember, if any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity.



FACILITY USE APPLICATION CHECKLIST

- Application complete with contact names and contact information ✓
- Specific facility or park requested ✓
- Dates/times of the event and extra set-up time if necessary ✓
- Specific request of City services:
 - electrical needs ✓
 - street closures ✓
 - police assistance ✓
 - trash removal ✓
- Vendor permits (necessary if serving alcohol) *N/A*
- Parking plan ✓
- Insurance Certificate (need to receive two weeks prior to event) ✓
- Map/diagram of event layout
- Music cannot reach a volume level of more than 7 on controls ✓
- Plan for restroom facilities ✓
- Scheduled meeting with City Representative ✓

My signature attests to the review of the checklist and the realistic view of the event provided to the City. Any deviation from the written request is grounds for cancellation of the event by the City of Belfast without notice.

Signature Mary P. L. Mortice Date: 11/23/15
Printed Name: MARY P. L. MORTICE



ADMINISTRATIVE COMMENTS
(Internal City use only)

City Manager's Office

Police Department

Fire/Ambulance Department

Parks Department

Public Works Department

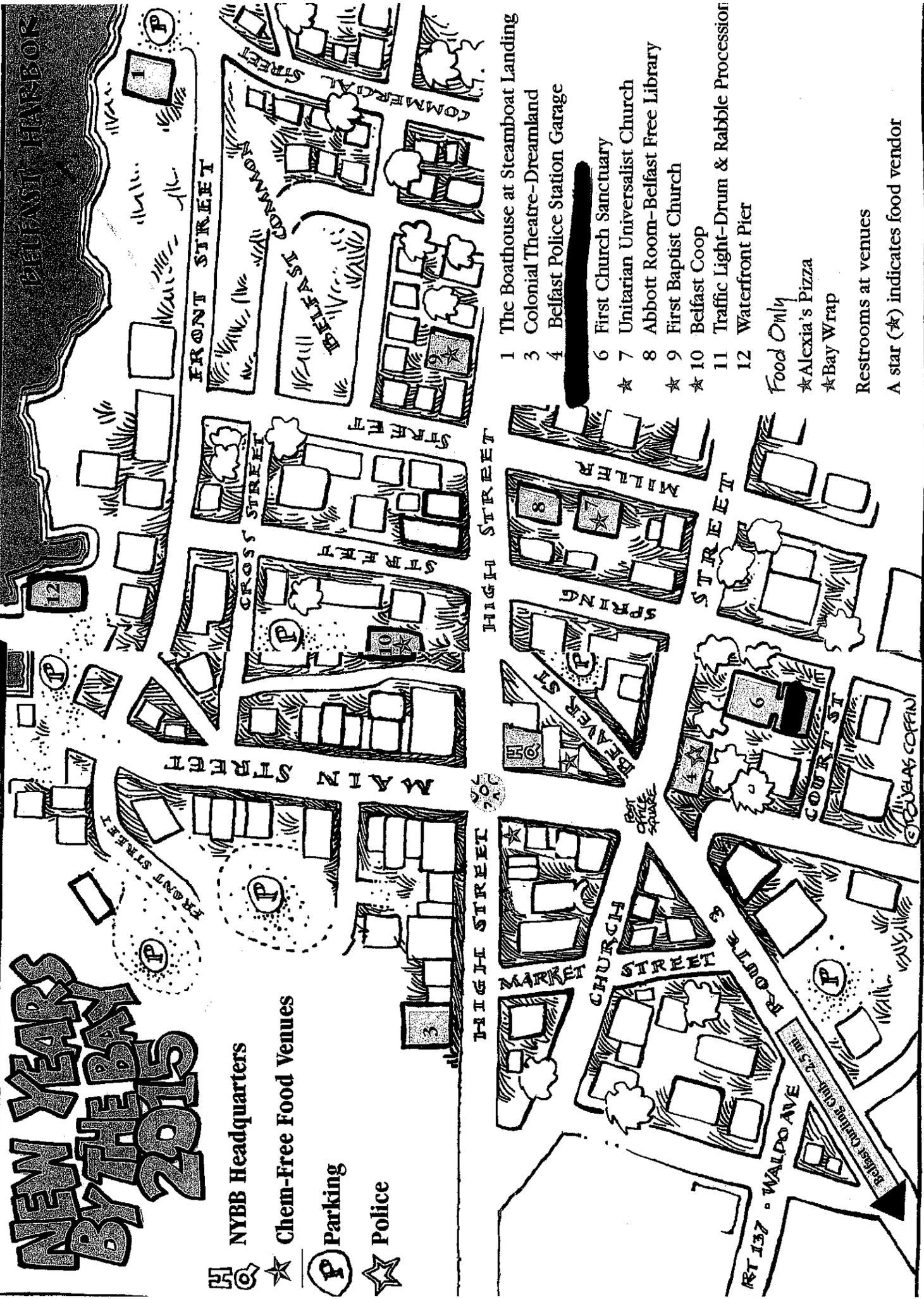
Harbor Master

Boat House Rental Agent

Other Notes:

NEW YEARS BY THE BAY 2015

- NYBB Headquarters
- Chem-Free Food Venues
- Parking
- Police



- 1 The Boathouse at Steamboat Landing
- 3 Colonial Theatre-Dreamland
- 4 Belfast Police Station Garage
- 6 First Church Sanctuary
- 7 Unitarian Universalist Church
- 8 Abbott Room-Belfast Free Library
- 9 First Baptist Church
- 10 Belfast Coop
- 11 Traffic Light-Drum & Rabble Processor
- 12 Waterfront Pier

Food Only
 ★Alexia's Pizza
 ★Bay Wrap

Restrooms at venues

A star (★) indicates food vendor

9.4

**Request to use Facilities
Belonging to the Citizens of the City of Belfast**

It is the general policy of the City of Belfast that property belonging to the citizens of Belfast be available to the public. Unless specifically approved to the contrary, no public property will be set aside for the exclusive use of any individual or group and the general public will at all reasonable times have access to City property, including all streets, roads, easements and rights of way. This is a planning checklist for your benefit as well as the City's. If any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity. Approvals cannot be given to individuals or groups who are uncertain of their plans. Please attach maps, additional sheets, event outlines etc. - that help to explain your request. If any of the following questions do NOT apply to your event simple write N/A (not applicable) in the space provided. Thank you.

1. State your name and whom you represent?

Breanna Bebb - Our Town Belfast

Holiday Tree Lighting

2. What facilities would you like to use or what permissions are you seeking with respect to property owned by the Citizens of Belfast? Please be specific

In front of the Belfast Post Office

3. What dates and times do you wish to have this event? Sat Dec 5 4:30pm - 5:30pm

3a. Do you have a rain date and if so when? NO

4. Will you want to put up banners or signs? (If so where and the dates the signs will be put up and taken down)

NO

5. Are you asking to close off any City Streets? (Which ones, what dates, for how long a period of time each day?)

Franklin St. from P.O. entrance through P.O. parking lot

6. Please describe this event in detail. If there is a schedule then attach it and explain it here.

Holiday Tree Lighting - caroling, a tent w/ cookies + cocoa for free. Santa arrives + is dropped off by fire truck.

7. How many people do you expect? ~ 300

8. Will you be charging admission to this event? No

9. Will you be selling things at this event? No

If so what? _____

10. Will any alcohol be served or consumed at this event? (If yes provide details)
NO

11. Does this event call for any type of open fire- including for cooking purposes? (If so describe what fire safety measures you plan on employing associated with this potential hazard?)

12. Will you be renting spaces to vendors on City Property? No

13. Describe what type of vendor and the charges you propose to assess against them.

—

14. Will you have insurance in the amount of \$1,000,000 that also names the City of Belfast as an " additional named insured party" to hold the City harmless from any and all injuries that may occur as the result of any negligence on your part in conducting this event?

Yes

15. Who is your insurance agent that will provide proof of this coverage to the City?

Allen Insurance + Financial

16. Noise: What kind of noise do you expect to generate at this event and during which specific periods of time?

Crowd murmur. group singing w/ P. A.

17. How do you propose to handle garbage removal?

OTB will bring a garbage can and remove after.

City of Belfast - Facilities Request Form

18. How do you propose to handle parking? Street parking

19. How do you propose to handle security? If security is an issue having a police officer

20. How do you propose to handle the need for restrooms? on site would be good.

As this is a brief 45 min event, we will not provide toilets.

21. What is your plan/need for electricity or water? Just the plug for the tree is all that's needed and P.A.

22. Have you spoken to the neighbors in the area of this event and discussed, traffic, noise, parking etc with them?

P.O. is ok w/ event.

23. Who will be in charge of the event and what are their home and cell phone numbers, email addresses- where they can be reached before and during this event?

Breanna Bebb - OurtownBelfast - 323 9100
bre@ourtownBelfast.org

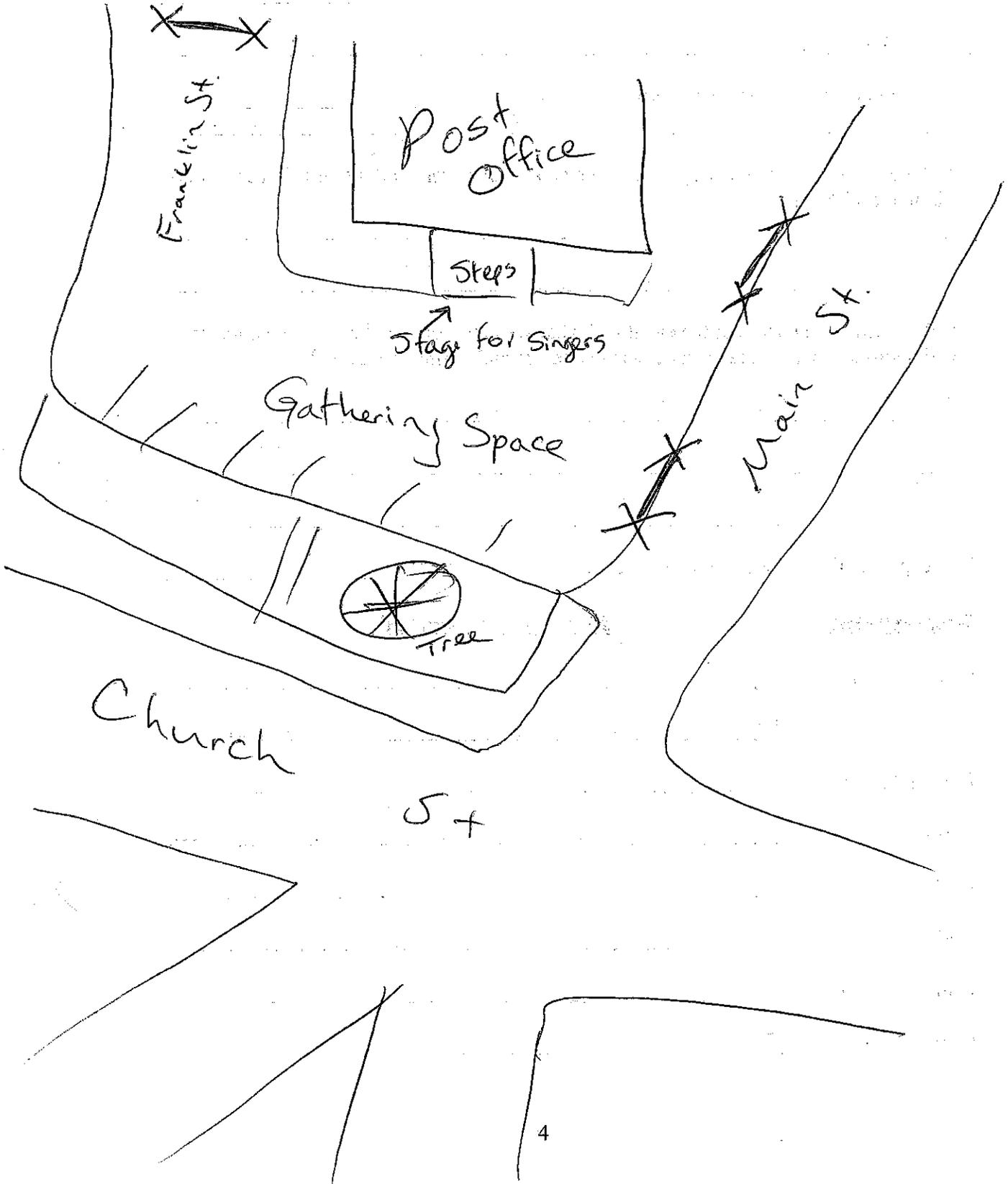
Norm Poirier - Parks + Rec - 338-3370 *4

What specific City services or assistance are you asking for? See below

Department	Service Requested
City Manager	
Police	<u>If deemed necessary, one police officer</u>
Fire/Ambulance	
Parks	<u>Norm is providing P.A. + tree w/ lights</u>
Public Works	
Harbor	
Planning (Maps)	
Cable TV	

City of Belfast - Facilities Request Form

Please draw a diagram of the area your proposing to use and how it will be laid out



ADMINISTRATIVE COMMENTS (Internal City use only)

City Manager's Office _____

City Clerk's Office _____

Police Department _____

Fire/Ambulance Department _____

Parks Department _____

Public Works Department _____

Harbor Master _____

Boat House Coordinator _____

Planning Department _____

Other Notes: _____

9.I

**Request to use Facilities
Belonging to the Citizens of the City of Belfast**

It is the general policy of the City of Belfast that property belonging to the citizens of Belfast be available to the public. Unless specifically approved to the contrary, no public property will be set aside for the exclusive use of any individual or group and the general public will at all reasonable times have access to City property, including all streets, roads, easements and rights of way. This is a planning checklist for your benefit as well as the City's. If any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity. Approvals cannot be given to individuals or groups who are uncertain of their plans. Please attach maps, additional sheets, event outlines etc. - that help to explain your request. If any of the following questions do NOT apply to your event simple write N/A (not applicable) in the space provided. Thank you.

1. State your name and whom you represent?

Breanna Bebb - Our Town Belfast
1st Annual Community Menorah Lighting

2. What facilities would you like to use or what permissions are you seeking with respect to property owned by the Citizens of Belfast? Please be specific

In front of the Belfast Post office

3. What dates and times do you wish to have this event? ~~Dec 5~~ Dec 6, 4:30-5:30

3a. Do you have a rain date and if so when? NO

4. Will you want to put up banners or signs? (If so where and the dates the signs will be put up and taken down)

NO

5. Are you asking to close off any City Streets? (Which ones, what dates, for how long a period of time each day?)

Franklin St. from P.O. entrance through P.O. parking lot

6. Please describe this event in detail. If there is a schedule then attach it and explain it here.

1st Annual Menorah lighting - we will light
a menorah (LED) enjoy traditional snacks
and have remarks led by former Belfast
Poet Laureate Ellen Sander

7. How many people do you expect? 100

8. Will you be charging admission to this event? NO

9. Will you be selling things at this event? NO

If so what? _____

10. Will any alcohol be served or consumed at this event? (If yes provide details) _____

NO

11. Does this event call for any type of open fire- including for cooking purposes? (If so describe what fire safety measures you plan on employing associated with this potential hazard?)

NO

12. Will you be renting spaces to vendors on City Property? NO

13. Describe what type of vendor and the charges you propose to assess against them.

NO

14. Will you have insurance in the amount of \$1,000,000 that also names the City of Belfast as an " additional named insured party" to hold the City harmless from any and all injuries that may occur as the result of any negligence on your part in conducting this event?

Yes

15. Who is your insurance agent that will provide proof of this coverage to the City?

Allen Insurance + Financial

16. Noise: What kind of noise do you expect to generate at this event and during which specific periods of time?

Crowd murmur

17. How do you propose to handle garbage removal? _____

We will carry in + carry out a trash receptacle

City of Belfast - Facilities Request Form

18. How do you propose to handle parking? Street parking

19. How do you propose to handle security? ~~##~~ Small crowd, none needed

20. How do you propose to handle the need for restrooms? _____

As this is a brief event (45 min) we will not provide restrooms

21. What is your plan/need for electricity or water? N/A

22. Have you spoken to the neighbors in the area of this event and discussed, traffic, noise, parking etc with them?

Yes, post office is OK w/ it.

23. Who will be in charge of the event and what are their home and cell phone numbers, email addresses- where they can be reached before and during this event?

Breanna Bebb - 323 9100 bre@ourtownbelfast.ny

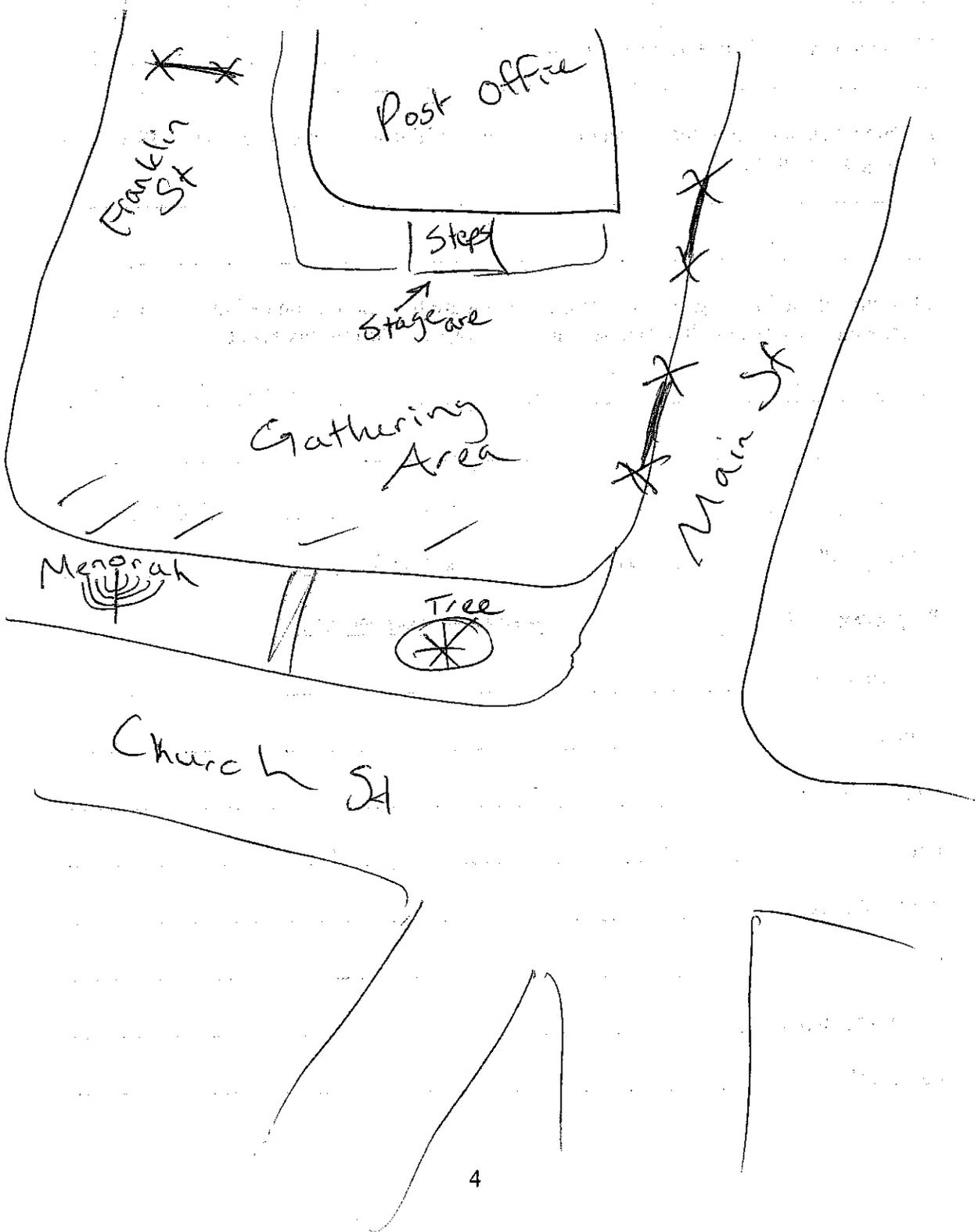
Norm Poitier - Parks + Rec Dept - 338 3370 #4

What specific City services or assistance are you asking for? _____

<u>Department</u>	<u>Service Requested</u>
City Manager	_____
Police	_____
Fire/Ambulance	_____
Parks	<u>Norm will provide P.A.</u>
Public Works	_____
Harbor	_____
Planning (Maps)	_____
Cable TV	_____

City of Belfast - Facilities Request Form

Please draw a diagram of the area your proposing to use and how it will be laid out



ADMINISTRATIVE COMMENTS (Internal City use only)

City Manager's Office _____

City Clerk's Office _____

Police Department _____

Fire/Ambulance Department _____

Parks Department _____

Public Works Department _____

Harbor Master _____

Boat House Coordinator _____

Planning Department _____

Other Notes: _____

AGENDA TOPIC 10.

TO: Mayor & City Council

FROM: Wayne Marshall, City Planner

DATE: November 25, 2015

RE: Front Street Reconstruction Project

REQUESTED ACTIONS

- 1) The City has advertised a public hearing regarding the engineering and design plans prepared by Olver Associates, City Engineer, for the Front Street Reconstruction project. The Council should conduct the public hearing; reference attached public hearing notice and letter to abutting property owners.
- 2) The Council should discuss public comment offered at the hearing and should decide if any changes should be incorporated into the engineering and design plans. We are requesting that the Council vote at this meeting to authorize submission of the engineering and design plans and bid specifications to the Economic Development Administration (EDA) so they can commence their review of said plans. If the Council is not prepared to act at this meeting, we request that the Council schedule a special meeting as soon as possible, and no later than December 8, to review and act on said plans.

BACKGROUND INFORMATION

Mandy Olver, Olver Associates, and I presented the proposed engineering and design plans to the Council at your recent November 17 meeting. The Council reviewed the proposed plans, expressed its support of the plans for presentation at the December 1 public hearing, and requested two minor changes to said plans. One change was to establish a new three-way rather than the proposed four-way stop at the Front Street and Main Street intersection, and the second was to move the pedestrian accommodation striped lane near Buildings 1 and 3 on the Front Street Shipyard property from the southerly (inland) side of the street to the northerly (water) side of Front Street. Mandy Olver has incorporated the requested changes to the plans.

As the Council is aware, the City is now proposing to submit the engineering and design plans to the EDA for their review; a required step in the EDA grant administration process. The City has received an EDA grant in the amount of \$1.9 million to assist in project construction and this review is one of three steps the City must successfully complete to solicit construction bids and then issue a contract to begin project construction. It is critical that the City submit its plans to the EDA as soon as possible, preferably by December 8, 2015, so the City can meet its goal of beginning project construction by May 1, 2016. If we can satisfy these dates, we believe most

construction work can be completed by November 2016, with 'clean-up or finishing' work such as laying the final coat of asphalt to occur in the spring of 2017.

City staff provided a letter (copy attached) to all abutting property owners (36 letters) with the project map to ensure that they were aware of the upcoming December 1 public hearing. I also used email to contact many of these same owners. To date, I have spoken with only 2 of the property owners since their receipt of the notice, and I have received any written or email comment. At the hearing I will update you regarding any comment we receive by the hearing.

Continuing, there are two property ownership concerns that I would like to discuss with the Council in Executive Session at the end of the meeting. Also, we will have updated information to provide to the Council regarding project financing.

For members of the public who would like more information regarding the project, I would encourage you to consult the City website, cityofbelfast.org, to view the November 17 presentation to the City Council by Olver Associates and staff. On the website, click the Watch Meetings tab, go to the Council meeting tab, and then click on the November 17 meeting. The presentation is under Item 10.C on the agenda.

Mandy Olver and I will do our best to answer any questions at the Council meeting.

**CITY OF BELFAST
NOTICE OF PUBLIC HEARING
FRONT STREET RECONSTRUCTION PROJECT**

The Belfast City Council, at its meeting of Tuesday, December 1, 2015, beginning at 7:00 pm or as soon as practical thereafter, in the Council Chambers of Belfast City Hall which is located at 131 Church Street, shall conduct a public hearing regarding the final engineering and design plans for the reconstruction of Front Street. All persons are invited to attend the public hearing and to offer comment. Comment also may be submitted by the date of the hearing in writing or via email as follows: written comment to Wayne Marshall, City Planner, City of Belfast, 131 Church St, Belfast, Me, 04915, and email comment to wmarshall@cityofbelfast.org.

The Front Street Reconstruction Project mostly affects the section of Front Street located between its intersections with Main Street and Peirce Street. The project involves the following work: replacement of the existing public water and public sewer lines, constructing storm sewers, reconstructing the road base and pavement, changing the lay-out of the intersections of Front Street/Main Street and Front Street/Peirce Street, constructing new sidewalks and pedestrian accommodations, relocating existing utility poles, and constructing parking improvements. The estimated project cost is \$3.8 million, with funding provided through a \$1.9 million grant to the City from the federal Economic Development Administration, \$600,00 loan to the Belfast Water District through the State Drinking Water Program, and \$1.3 million from the City of Belfast. The City intends to borrow funds from the Maine Municipal Bond Bank and to repay loan costs through revenues obtained through the Downtown Waterfront Tax Increment Financing District.

The City Council shall consider public comment offered at the public hearing in making its decision to submit the engineering and design plans to the Economic Development Administration for review. The City's intent is to submit the engineering plans for review in early December. A copy of the overall plan and additional information regarding the project can be found on the City website at cityofbelfast.org. Questions regarding the proposed project and public hearing should be directed to Wayne Marshall, City Planner, at 338-1417 x 25 or at wmarshall@cityofbelfast.org.

This project is funded in part by a grant from the U.S. Dept of Commerce - Economic Development Administration. The total amount of federal funding included in the project financing will be \$1,900,000.00 which represents a portion of the total project costs to include design, construction, project inspection, and management of the project. Neither the United States nor any of its departments, agencies, or employees are a party to the advertisement of this public hearing or any contracts resulting from this project.

November 20, 2015

**NOTICE TO PROPERTY OWNER
BELFAST CITY COUNCIL PUBLIC HEARING
FRONT STREET RECONSTRUCTION PROJECT**

The Belfast City Council, at its meeting of December 1, 2015, shall conduct a public hearing to accept public comment on the engineering and design plans for the Front Street Reconstruction project prepared for the City by Olver Associates. I have enclosed the formal public hearing notice that has been published in the Republican Journal for the hearing. All are welcome to attend the upcoming public hearing and to offer comment, or to submit comment in writing or via email (send to wmarshall@cityofbelfast.org) by the date of the hearing.

Enclosed is an aerial photo that depicts the overall design plan for the project prepared by Olver Associates. Mandy Olver, Olver Associates and City staff discussed this plan with the Council at its recent November 17 Council meeting. The Council provided comment and several minor changes were made to the plan to address their comments. The attached plan incorporates comments offered by the Council at its meeting of November 17. I also note that Mandy Olver and I 'walked' the Council through the proposal at the above Council meeting. One way to learn more about the project and to hear the Council's comments is to watch the video of the above meeting which you can find on the City website, cityofbelfast.org. Go to the tab labeled Watch Meetings, then click on the Council meeting tab and the tab for the November 17 meeting. The presentation is item 10C on the agenda and it is about 75 minutes long (you can scroll through to see what you like). Lastly, Mandy Olver and I will be making a much abbreviated presentation at the upcoming December 1 hearing, however, we will be available to respond to any questions asked of the Council regarding the plan.

Our intent is to ask the Council at its December 1 meeting and after the public hearing to authorize staff to submit the proposed engineering plan, as such may be amended at the December 1 meeting, to the Economic Development Administration (EDA) so we can obtain their approval to advertise the project for construction bids. If significant concerns are raised at the hearing regarding the project design, the Council may need to convene a special meeting to continue its review of the plan. We are pushing hard to submit the plan to the EDA in early December so we can remain on track to bid this project in mid-January, to open construction bids in February, to select a construction contractor and obtain EDA approval of the contractor we select by late March, and to begin project construction no later than May 1. We believe most project construction will be completed by November 1, 2016, however, we fully expect that the final coat of pavement and other final work on the project will carry over into the spring of 2017.

The enclosed design plan is a visual depiction of the construction that will occur as part of this project. I note that we are now completing construction documents that better illustrate and provide specifications for the work that a contractor will need to perform to complete this project, including but not limited to road profiles and the lay-out of water, sewer and stormwater lines. In short, there is considerably more information than shown on the enclosed design plan regarding this project and the work that is proposed to occur.

Mandy Olver and I have had an opportunity to meet with many of you during the design of the project and we have done our best to address many of the concerns that you raised. If anyone has questions regarding the proposed construction that you would like to discuss in advance of the December 1 meeting, I ask that you call me, 338-1417 x 25, or email me, wmarshall@cityofbelfast.org. We would be happy to meet with you to discuss the project and will do our best to answer any questions that you may have.

On behalf of the City,

Wayne Marshall
City Planner



NOTES:

1) INFORMATION ON THIS SHEET PROVIDED IN PART BY:

METCALF & EDDY, INC. ENGINEERS, "INTERCEPTING SEWERS AND APPURTENANT WORK, CONTRACT NO. 1970-2" CITY OF BELFAST, MAINE, DATED MAY 21, 1970

STATE OF MAINE DEPARTMENT OF TRANSPORTATION "RIGHT OF WAY MAP, MAIN STREET, BELFAST, WALDO COUNTY" D.O.T. FILE NO. 14-140, DATED SEPT, 1984

GOOD DEEDS INC., "DEPICTION OF THE RIGHT OF WAY BOUNDARIES OF FRONT STREET FROM MAIN STREET TO PIERCE STREET, BELFAST, WALDO COUNTY, MAINE" DATED AUGUST 9, 2013

FOURTEEN 9'x18' DIAGONAL PARKING SPACES

TWO 9'x18' DIAGONAL PARKING SPACES PLUS ONE HANDICAPPED SPACE

TWENTY-SIX 9'x18' DIAGONAL PARKING SPACES PLUS ONE HANDICAPPED SPACE

PARKING LOT APPROX. 2500 CY CUT 2% SLOPE IN PARKING AREA 2:1 SLOPES 25 PARKING SPACES

SEVEN 9'x18' DIAGONAL PARKING SPACES PLUS ONE VAN ACCESSIBLE HANDICAPPED SPACE

SEVEN 9'x18' DIAGONAL PARKING SPACES

TWO 10'x20' PARALLEL PARKING SPACES

OLVER ASSOCIATES INC. ENVIRONMENTAL ENGINEERS 200 MAIN STREET BELFAST, MAINE	
DATE	ADDITION OR REVISION
DES. BY: MHO	DR. BY: FLE/NWD
CITY OF BELFAST, MAINE	
FRONT STREET	
CONCEPT PLAN	
SCALE: 1"=40'	PROJECT NO.: 1145
DATE: NOVEMBER, 2015	SHEET: C-1

DRAFT

November 19, 2015

Memo to Joseph Slocum, City Manager
From Katherine Pickering, Harbor Master

Re: Council Agenda Dec 1, 2015

- 2016 Harbor Usage Fees
- 2016 Charter Vessel Contracts

Good afternoon Joe,

I would like to request to be on the Dec 1, 2015 Council Agenda for the two items above. The Harbor Advisory Committee met last night to discuss the Harbor Usage Fees and Charter Vessel contracts for the 2016 season, which they are required by our Harbor Ordinance to review and advise the Council at this time of year.

Only 3 members of the Committee were present: Bob Winslow, TJ Faulkingham, and Jim Black. Absent were Dan Miller, Dave Carlson, and JB Turner.

Harbor Usage Fees

As I felt the Council may want to scrutinize our fees a little more closely this year, I listed each item on our Harbor Usage Fee schedule, included comments on revenues and other information I felt may be helpful, my recommendation and then the Committee's recommendation on whether the fee should be changed. It's quite lengthy and if you would like me to shorten it up for the Council please let me know. This list is attached.

I would like to ask the Council if they would review this list to approve the Harbor Usage Fees for 2016

Charter Vessel Contracts

We had requests from two returning businesses for Concessions (overnight) Contracts to operate at Thompson's Wharf for 2016: Peter Reilly of Belfast Bay Cruises with his 28' lobster vessel 'Clara K', and Lance Meadows of Maine Day Sails with the 78' Schooner 'Timberwind'. We also have a request from Earl and Bonnie MacKenzie with the 51' schooner 'Bonnie Lynn' to return with an Occasional Use (Touch & Go) Contract at the City Landing.

All three operators ran exceptional charters last year and I support all three requests.

Peter Reilly wrote a letter (attached) requesting longer term contracts of up to 3 years. As you know currently we only allow a 1 year contract. The Harbor Committee agreed there were benefits to both the charter business and the City with a longer term contract as stated in Mr. Reilly's letter, and although we've never done them before, the Committee felt that if the charter business has proven they have a good 'track record' from past operations and we

could build into the contract any rate changes that may occur, that they would support a 3 year contract if requested. All voted in favor.

Currently only Peter Reilly has requested the 3 year contract.

I would like to ask the Council if they would approve the following:

- A 3 year Concessions Contract for Peter Reilly of Belfast Bay Cruises to operate his charter vessel 'Clara K' from Thompsons' Wharf for the 2016, 2017, & 2018 seasons
- A 1 year Concessions Contract for Lance Meadows of Maine DaySail to operate his charter vessel 'Timberwind' from Thompson's Wharf for the 2016 season.
- A 1 year Occasional Use Contract for Earl & Bonnie MacKenzie to Operate their charter vessel 'Bonnie Lynn' from the City Landing for the 2016 season.

Thank you
Respectfully submitted,
Katherine Pickering
Harbor Master

**2015-16 HARBOR USER FEE REVIEW
& RECOMMENDATIONS**

The Harbor Committee at their Nov 18, 2015 regular meeting reviewed the Harbor Usage Fees for the 2016 season. Following is each revenue item which includes the amount of recent revenues, a short comment, and both the Harbor Master's and Harbor Committee's recommendations. Harbor Committee members present at the meeting were: Bob Winslow, TJ Faulkingham, James Black, and Harbor Master Kathy Pickering. Absent were Dave Carlson, JB Turner, and Dan Miller.

The figures below are from the Harbor Master's records.

Cruise Ship dockage

Revenues: 2014-15 - \$13,410 2015 -16 to date - \$13,610.

2015 season: Independence 18 visits, Am. Glory 12 visits

2016 season: Scheduled: 28 visits total to date

Fee last increased 2013

Harbor Master's recommendation: Increase from \$2.50/ft/night - \$2.75/ft/night

Project increased revenues: \$1,300

Committee's recommendation: Agree. All in favor

Charter Vessels:

Revenues (Thompson's Wharf): 2014-15 - \$3,411 2015-16 to date - \$5,427

2015 season: 3) Overnight contracts, 1) Touch & Go contract

2016 season: expected: 2) Overnight contracts, 1) Touch & Go contract

Current rate: \$45/ft/season Concessions Contract (overnight dockage)

\$200/season for Occasional Use Contract (touch & go)

Rockland (the best comparison) currently charges \$50./ft/season

Harbor Master's recommendation: Remain at \$45/ft/season for Concessions

Contract until Front St. re-construction is done and a more efficient effort can be made to place signage, etc. to direct the charter customers to Thompson's Wharf

No change to Occasional Use rate as it was just increased last year from \$100

Committee's recommendation: Agree. All in favor

Diesel

Revenues – Net: 2014-15: \$10,800 / 24,134 gallons average \$.45/gallon mark-up

Estimated net 2015-16: \$14,000 / 26,000 gallons average \$.55/gallon mark-up

Gasoline

Revenues – Net 2014-15: \$9,200 / 20,541 gallons average \$.45/gallon mark-up

Estimated net 2015-16: \$13,000 / 21,000 gallons average \$.55/gallon mark-up

Note: Credit Card Fees totaling approximately \$4,400 in 2014-15 came out of fuel accounts

The current Outer Harbor Plan (up to \$20,000) will be paid from these accounts

Harbor Master's recommendation: increase price per gallon \$.10 - \$.15 on both diesel and gasoline depending on overall fuel prices next season

Projected increased revenues: \$4,700 - \$7,000

Committee's recommendation: Because prices have increased recently and fuel prices are expected to be higher next summer, recommend \$.05/gallon increase. Would also like Harbor Committee to discuss possible commercial discounts later this winter.

Dinghy Tie-up

Revenues: 2014-15: \$7,770

Fees increased last year from \$175 to \$200 for the dock and \$60 to \$75 for the beach

2015 season: 89 stickers issued: 50 at no charge (44 Belfast residents & 6 out of state residents who pay boat/dinghy excise in Belfast) 11) Beach/Racks @ \$75, 36) docks @ \$200

Between 20 – 25 dinghies were tied on the shore at Allyn St. this summer. As the inter-tidal areas (between low and high water) are not City jurisdiction we cannot charge a fee.

Harbor Master's recommendation: No change at this time but review the fee structure this winter, which is based on whether excise tax has been paid

Committee's recommendation: Agree. All in favor

Dockage:

Revenues: 2014-15: \$50,174

Fees last increased in 2013 & 2014

Harbor Master's recommendation: Increase rates \$.25/ft for each group:

Projected increased revenues: \$5,500

Committee's recommendation: All in favor with the addition of another group:

Up to 40' from \$2. to \$2.25/ft/night

40' – 59' from \$2.50 to \$2.75/ft/night

59' – 90' \$3 to \$3.25/ft/night

90' and over \$3.50/ft

Fisherman's Hoist

Revenues 2014-15: \$350

Hoist installed in 2014 Fee: \$50/per key issued

Harbor Master's recommendation: No change at this time

Committee's recommendation: Agree. All in favor

Ice:

Revenues: 2014-15 net approximately \$1,500
Typically marked up 100%

Harbor Master's recommendation: No change at this time

Committee's recommendation: Agree. All in favor

Launch Fees

Revenues: 2014-15 \$ 450 per launch & commercial
2014-15 \$ 680 season sticker (non-Belfast resident) \$25
Fees were increased in 2015 and must be approved by the State as grant monies were used to construct ramp/boat trailer lot area.
32 seasonal/Belfast resident stickers were issued in the 2015 season: 13) Belfast resident and 19) non-resident

Harbor Master's recommendation: No change at this time

Committee's recommendation: Agree. All in favor

Misc:

Revenues 2014-15: \$560
Fees collected include 2 cycle oil, trash, charts, harbor hats/shirts

Harbor Master's recommendation: No change at this time

Committee's recommendation: Agree. All in favor

Mooring Permits

Revenues 2014-15: \$22,370
Fiscal 2014-15 revenue increase of 31% due both to increasing fees in 2015 from \$60 - \$70 for individual permits, and a greater number of mooring permits which are expected to increase slowly over the next few years

Harbor Master's recommendation: No change at this time. Fee structure for permits regarding resident/non-resident, type of use or area, and length of vessel should be reviewed this winter after Outer Harbor Plan is approved.

Committee's recommendation: Agree. All in favor

Pump-Out

Revenues 2014-15: \$590
Fee of \$5.00 per pump-out is capped by the State as grant money was used to install system

Harbor Master's recommendation: No change at this time

Committee's recommendation: Agree. All in favor

Relocation List

Revenues 2014-15: \$630

Currently 60 permit holders are on list and pay \$10/annually

Harbor Master's recommendation: No change at this time but review fees this winter after Outer Harbor Plan is approved

Committee's recommendation: Agree. All in favor

Wait List (for Inner Harbor)

Revenues 2014-15: \$130

Currently 12 permit holders on list and pay \$10/annually

Harbor Master's recommendation: No change at this time but review fees this winter after Outer Harbor Plan is approved

Committee's recommendation: Agree. All in favor

Shore Power

Revenues: 2014-15: \$1,468

30amp used most frequently although 50amp is more in demand. Estimated revenues \$1,400. Fees haven't been increased for quite a while

Harbor Master's recommendation:

Increase 110 use from \$2. - \$5

30amp from \$5 - \$10

50amp from \$10 - \$15

Projected increased revenue: \$1,500

Committee's recommendation: No increase. All in favor

Showers

Revenues 2014-15: \$150

Fee is not charged for boaters paying slip or mooring rent. Otherwise \$2./shower is charged for boaters at other docks or people without facilities. On-demand propane hot water heaters were recently installed saving energy

Harbor Master's recommendation: No change at this time

Committee's recommendation: Agree. All in favor

Small Vessel Storage

Revenues 2014-15: \$1,300

For non-mooring owner kayak/canoe storage on City property. Between 30 - 35 stickers issued. Residents charged \$40, non-residents \$60 for storage from May through December.

Harbor Master's recommendation: No change at this time

Committee's recommendation: Agree. All in favor

Thompson's Wharf

Revenues 2014-15: \$ 45,138 includes private slip rent and charter vessels
\$ 4,400 electricity

Winter rates increased in 2015 from \$4/ft/month to \$5/ft/month. Summer rates private slips are \$75/ft/season and charter vessels are \$45/ft/season (Summer season May 15 – Oct 15). Electricity is metered and billed out at current rates.

Harbor Master's recommendation: No change at this time with review of charter vessel fees later on.

Committee's recommendation: Agree. All in favor. Committee questioned the (ongoing issue) with access to Thompson's Wharf not only for those who pay slip rent or patronize charter vessels but also for emergency response ie: ambulance and fire equipment

The Harbor Committee also discussed the increase use of the City Landing facilities by various Marine Businesses this summer. Possible issues such as insurance, whether they should pay fees, other feasible options for landside facilities, etc. The Committee agreed it's important to support these businesses, but decided it best to continue the discussion further when more of the Committee members were present.

Belfast Bay Company, LLC
34 Court St.
Belfast, ME 04915
207 280-3880
mpreilly72@gmail.com

October 28, 2015

Katherine Pickering
Harbor Master
Belfast, ME 04915

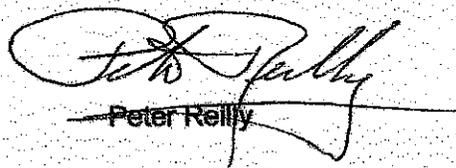
Kathy -

As we mentioned last week, we do plan on running the "Clara K" again next summer. This year was sort of a work in progress year as far as getting used to Thompsons Wharf and running various trips. The bottom line is that we stayed busy and I believe we do fill a niche for tourists wanting to get out on the water in Belfast.

As far as an upcoming contract for dockage at Thompsons, it would help greatly if our business could have a multi year contract (3 years?). I think the benefits might go both ways for the city and us. We both would know what is coming and could plan accordingly. Most importantly for us is, should we at some point decide to upgrade the "Clara K", any bank providing financing is going to want to be assured the business has a viable contract for dockage.

Any questions or if you need more information, please don't hesitate to call me.

Thanks again to you and everyone working for you. Every boat owner that I talked with that came into the Harbor this summer had only good things to say about your operation. It really reflects a great image for all of Belfast.


Peter Reilly

AGENDA TOPIC 10.

TO: Mayor & City Council

FROM: Wayne Marshall, City Planner

DATE: November 24, 2015

RE: CMP Clean-up of Former Gasification Plant on Washington Street - Request to Close Washington Street

REQUESTED ACTIONS

CMP is preparing to begin the required clean-up of contaminated soils associated with the former gasification plant that they owned in the 1930's that is located on the Dale C. Palmer Living Trust property located on Washington Street, as well as in a portion of the street itself. To ensure that clean-up work can be done safely and efficiently, CMP is requesting that the Council authorize the closure of the section of Washington Street located between the entrance to the City parking lot and the far end of the skate park, reference attached map, for one of the following two time periods:

- Option 1 - late January 2016 to June 15, 2016
- Option 2 - October 15, 2016 to March 31, 2017

Staff is recommending that the Council approve both options, and that you identify your preference for Option 1. It is very important to the property owner, Eunice Palmer and Diane Bergey, that the CMP clean-up occur as soon as possible so that can better proceed with their plans to redevelop the property.

BACKGROUND INFORMATION

As the Council is aware, CMP's operation of the former gasification plant and the presence of contaminated soils was discovered through the Phase I and II Brownfields Assessment project authorized and requested by the property owner, the Dale C. Palmer Living Trust, that was conducted by Ransom Consulting through the City funded Brownfield Assessment project. CMP was made aware of the Assessment results and used the services of their consultant, Haley & Aldrich, to further identify the scope of the contaminated soils and how the needed clean-up should proceed. City staff and CMP representatives have discussed this project with the Council at several meetings over the past year.

CMP is now actively working to secure a contractor through a competitive bid process to perform the clean-up. They hope to begin work in late January 2016 and to complete such by late May 2016, however, if problems occur during the bid and contractor selection process, the clean-up may need to be delayed until October 2016. If they begin work in October, the clean-up likely would take through March 31, with final repaving of the disturbed section of Washington Street occurring in May 2017. This clean-up is a major project, and the only way to

safely and efficiently complete the work is to close a section of Washington Street, from the entrance to the City parking lot to the far end of the skate park (reference attached map), during project work. Thus, the request to the Council to authorize the closure of the street.

I offer the following comments regarding the closure and clean-up:

- 1) The 'closed' section of Washington Street would be closed to public traffic for a 3.5 - 4.5 month period.
- 2) Local traffic will be able to access the rear of the buildings that are located along High Street and Main Street.
- 3) Public access to the Washington Street parking lot will always be available.
- 4) The construction contractor will not be permitted to use the Washington Street parking lot for any of their operations, including employee parking. The construction contractor intends to use the Dale C. Palmer Living Trust property as a staging area for most of their operations.
- 5) Staff is recommending that the City prohibit vehicles from parking along Washington Street from its intersection with Main Street to the entrance to the Washington Street parking lot on either side of Washington Street during the course of project construction. Vehicles parked in these areas may impede truck traffic associated with the project.
- 6) CMP believes it is best to close the construction area to pedestrian traffic, partly because of odors associated with the contaminated soils, as well as the extent of the construction operations. I know that this is a Council concern. While there is no great way to facilitate pedestrians moving through the area during construction, the only real option that I see is to direct people through the rear of the skate park; reference red line on attached map. The Council could consider requiring CMP's contractor to construct and maintain improvements that would be needed to facilitate this temporary pedestrian access, and to restore the area post construction.
- 7) The property owner that directly abuts this site, Tammy Lacher Scully, also submitted several comments via email regarding the project. She asked that the contractor erect a temporary construction fence. I have attached (sheet 6) of the CMP proposed clean-up plan that identifies the location of a temporary construction fence. The fence is proposed to be 8 feet in height. The City should consider establishing a condition of project construction that an 8 foot high opaque fence be erected and maintained through-out project construction.
- 8) Ms. Scully also raised concerns regarding removal of the contaminated soils. I have spoken with both Ransom Consulting and Haley & Aldrich regarding this concern. Both stated that they do not believe there is any risk to the public health associated with the removal and clean-up of the contaminated soils, however, both noted that there will be odors associated with the clean-up. I have asked that Steve Kelly, Haley & Aldrich, attend the December 1 Council meeting to better respond to any specific concerns.

While it is certain that the clean-up of the site and Washington Street will cause temporary disruptions, particularly because the clean-up likely will take 3.5 months, City staff believes that the recommended time periods are the best to perform the work. Also, we are anxious to see the work be completed because the proposed redevelopment of the Dale C. Palmer Living Trust property cannot occur until this clean-up is done.

I have attached my November 19, 2015 email to the Council as additional background information. I will do my best to answer any questions.

**November 19, 2015 Email to City Council from Wayne Marshall, City Planner
CMP Clean-up of Washington Street**

Mayor & City Council

CMP representatives and City staff have met with the Council at several meetings over the past year to discuss CMP's project to remediate wastes associated with the former gasification plant that they operated on the property owned by the Dale C Palmer Living Trust (Eunice Palmer and Diane Bergey) on Washington Street. The Council, at its August 18, 2015 meeting, approved CMP's proposal regarding the relocation of electric lines on Washington Street, and I subsequently provided an update to the Council at its meeting of October 20 regarding the status of the CMP project and the Trust's demolition of buildings on the Trust property. At your October 20 meeting, I noted that CMP had contacted Diane Bergey (property owner) and informed her that CMP's clean-up efforts on the site likely would not begin until the fall of 2016. I also stated that both the DEP and City staff had contacted CMP to state our concerns regarding CMP's delay in starting clean-up operations, and how the delay would adversely affect the Trust's plans to redevelop their property.

Last week we were contacted by CMP and their engineering firm, Haley-Aldrich, regarding their proposal to try and move up the start of the CMP clean-up project, and how they would like to begin the clean-up in late January or early February of 2016. On Wednesday of this week, November 18, City officials met with representatives of CMP, Haley-Aldrich, DEP, the Belfast Water District, and Ransom Consulting to discuss CMP's plans to proceed with the clean-up. Following is a summary of what we learned and what staff will be asking of the Council.

- 1) CMP's preferred plan is to begin project clean-up work in late January 2016. They estimate that it will take about 3.5 months to complete the clean-up. They are currently soliciting bids to secure a clean-up contractor, have a pre-bid meeting scheduled for December 10 in Belfast, and plan to have bids due by January 10. They hope to be able to expeditiously award a contract after bids are received and to have a contractor on-site by the end of January.
- 2) The clean-up involves removing contaminated soil on the Palmer property as well as in the road bed of Washington Street. The work also will involve replacing about 80 feet of City sewer line, about 100 feet of an existing rock drain with a new culvert pipe, and replacing a section of water line.
- 3) CMP needs the City to close Washington Street to regular public traffic from just after the entrance to the Washington Street parking lot to the far end of the skate park during the entire time of the clean-up operation. Access will be retained to the parking lot at all times through the current entrance to the parking lot. Access to the chiropractic clinic and Jack and Tammy Scully's house which are located on Washington Street can occur via the Bridge Street entrance to Washington Street. In addition, property owners on High Street and Main Street that need to access the back of their buildings via Washington Street will continue to be able to do so.

THUS --- QUESTION FOR THE COUNCIL. Are you comfortable closing the area of Washington Street noted above for a time period that would extend from late January 2016 to at least May 30 (Memorial Day) and potentially to June 15? I note that City representatives that attended the meeting: Bob Richards, Public Works, Jon Carman, Wastewater, Thomas Kittredge, Economic Development, Mandy Olver, Olver Associates, Joe Slocum, City Manager, Sadie Lloyd, Assistant Planner, and I are all comfortable with closing the street as requested until at least May 30, and all are okay with a closure to June 15. All City representatives in the meeting thought it best to complete this work at the earliest practical date, and did not feel that the street closure during this time of year would be a major concern. CMP has ceded to the City's desire not to do the work during the summer or early fall months.

- 4) CMP's preferred window to do the clean-up is from late January - May/June 2016. However, if they cannot meet this window because of extenuating circumstances, they would then pursue the clean-up beginning in late fall 2016 and continuing through-out much of the winter of 2017. I know that most in the room as well as myself were very encouraged to discuss CMP's plans to aggressively pursue doing the clean-up this winter, however, if significant problems occur and they do need to delay the work until next fall, CMP is now asking to know if they can close Washington Street for the back-up time period identified; mid-October 2016 to March 2017. I note that this back-up time period also means that repaving of the street in the disturbed area would not occur until April or May, 2017.

THUS --- QUESTION FOR THE COUNCIL. Are you comfortable approving closing the are of Washington Street previously noted for a time period that would extend from mid-October 201 to March 2017? City staff had no major concerns with this request, but we again stated our preference for starting work in January.

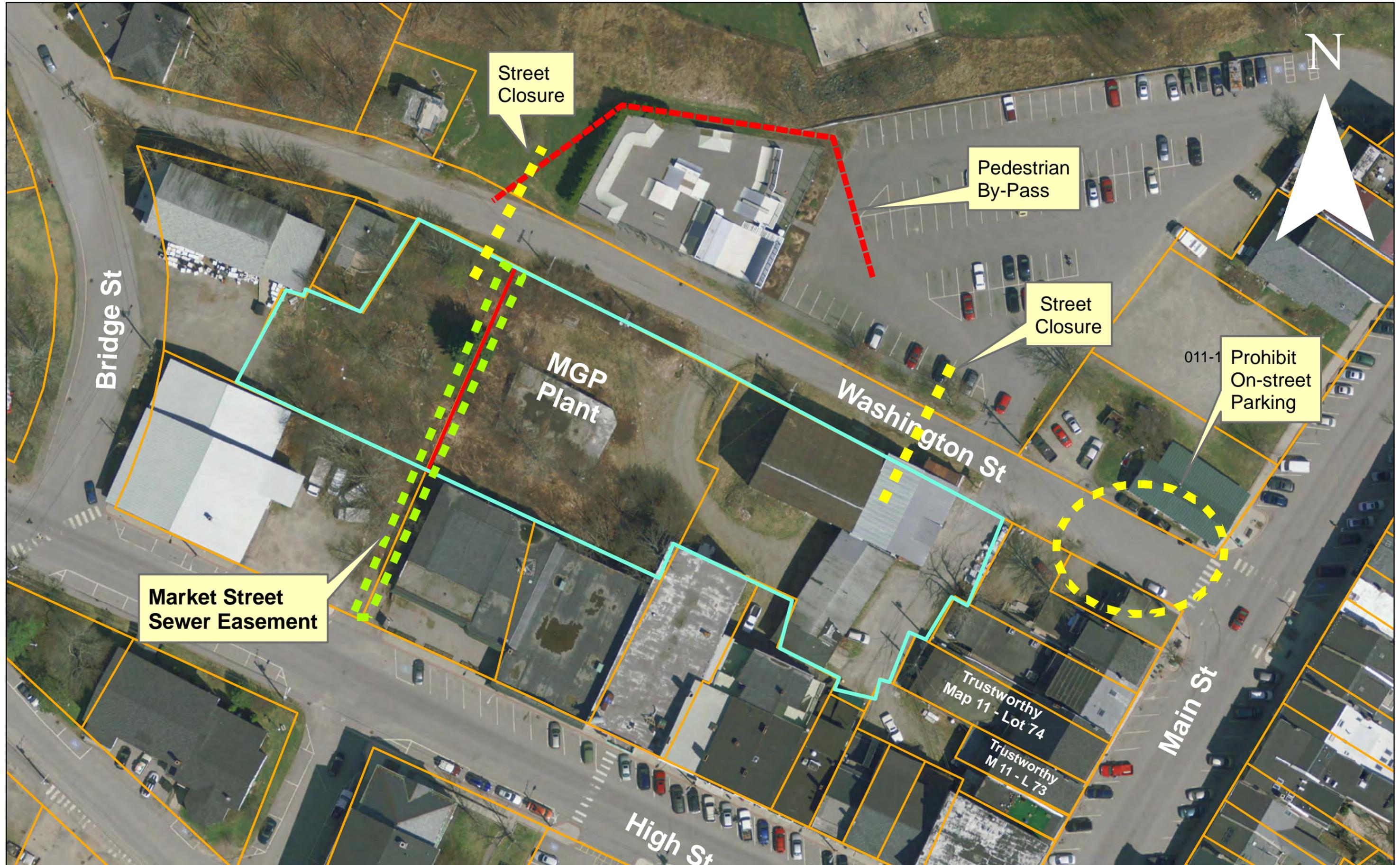
- 5) Clean-up of this property is a major undertaking. CMP estimates total project clean-up work to cost about \$1.8 to \$2.1 million. In addition, the Palmer Trust will be spending about \$200,000 to demolish existing buildings on site and remove some hazardous materials identified through the Brownfield's Assessment performed through the City program using Ransom Consulting. The Washington Street property owned by the Palmer Trust is only 1.2 acres in size, and the area subject to the former gasification plant is less than .2 acres in size. I ask that all recognize that the cost to just set the table to allow the redevelopment of this property ---- create a vacant lot that satisfies state and federal hazardous material requirements ---- will range from \$2.1 to \$2.4 million (nearly 1.5 times the cost to the City to construct the Harbor Walk).
- 6) Clean-up operations will involve trucks traveling on Main Street as they leave the town to dispose of contaminated soils. During the height of clean-up operations, there may be 25 - 30 trucks per day leaving the site. I note that all loads will be covered and that there is no danger from these wastes being transported through the City.
- 7) CMP is committed to coordinating all clean-up activities with City and Belfast Water District officials. CMP will have an inspector on site to monitor clean-up activities, and the DEP will often have an inspector on site. I will note that I was very encouraged with progress made at

our November 18 meeting and how both CMP and their engineer, Haley-Aldrich, openly answered all questions that were asked.

- 8) We believe it would be best to have a public vote by the Council at your meeting of December 1 to authorize the closure of Washington Street. That said, it would be good to hear back from you by responding to this email to let us know if you have any major concerns regarding the two questions asked in #3 and #4 above regarding the time periods to close the street. CMP and/or Haley-Aldrich representatives can also attend your December 1 meeting if you like to discuss the project and make the formal request for a street closure.

QUESTION ---- Would you like a CMP and Haley-Aldrich representative to attend your December 1 Council meeting to make this formal request and to respond to any questions from the Council regarding this proposal? An alternative is for staff - me - to summarize the above at the Council meeting and to make the request if there are no real issues. Joe Slocum and I both believe that staff should make the presentation to help save time at the upcoming December 1 meeting. Do you have a preference?

I believe CMP working to move forward in January is very good news. I have spoken with both Diane Bergey and Eunice Palmer and both are very encouraged by this possibility. Stated simply, the work needs to be done and all would like to accomplish such as soon as possible. We have minor (read minor) concerns with both the Washington Street and Front Street work going on at the same time, but sometimes that is just the way that things work out.



Street Closure

Pedestrian By-Pass

Street Closure

Prohibit On-street Parking

Market Street Sewer Easement

Bridge St

MGP Plant

Washington St

Main St

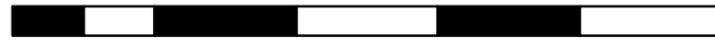
High St

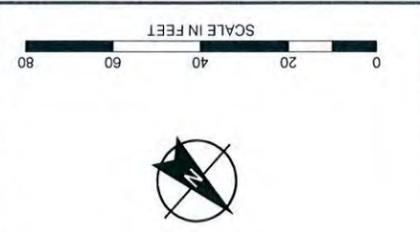
Trustworthy Map 11 - Lot 74

Trustworthy M 11 - L 73

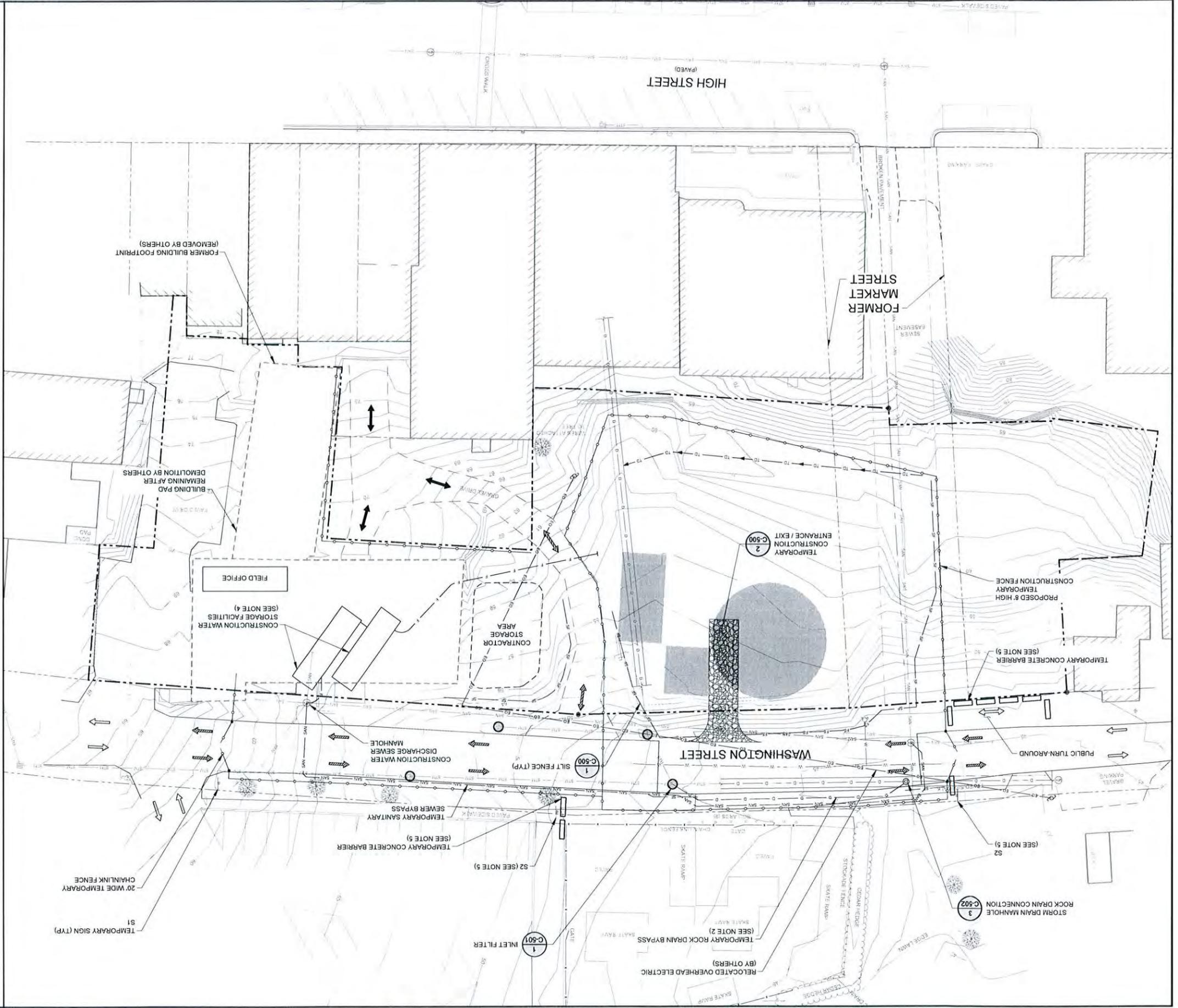
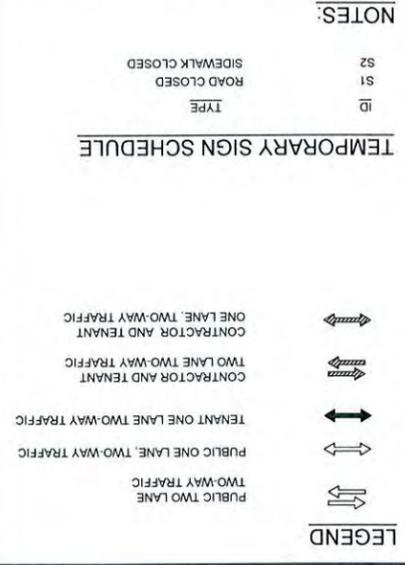
N

40 20 0 40 80 120 160 Feet





- NOTES:**
- STORMWATER RUNOFF SHALL BE DIVERTED AROUND OPEN EXCAVATION VIA EARTHEN OR SAND BAG BERM TO PROVIDE TEMPORARY DIVERSIONS. ALL STOCKPILES SHALL BE SURROUNDED BY SILT FENCE AND STOCKPILES SHALL BE COVERED WITH PLASTIC.
 - INSTALL TEMPORARY ROCK DRAIN BYPASS TO MAINTAIN ROCK DRAIN FLOWS BEYOND THE LIMITS OF EXCAVATION.
 - REFER TO SHEETS C-501 THRU C-504 FOR ADDITIONAL DETAILS ON SITE PREPARATION AS IT RELATES TO EROSION AND SEDIMENTATION CONTROLS.
 - CONSTRUCTION WATER MANAGEMENT IS ADDRESSED ON SHEET G-200.
 - PROVIDE TRAFFIC SIGNAGE AND CONTROL DEVICES ADJACENT TO THE WORK AREA AND ALONG THE TRAFFIC ROUTE IN ACCORDANCE WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION - MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, AS WELL AS ANY LOCAL REQUIREMENTS.



10.F

Brent Martin

From: Brent Martin
Sent: Wednesday, November 25, 2015 2:43 PM
To: citymanager@cityofbelfast.org
Subject: Waterfall Arts

Joe

Waterfall Arts was granted a real property exemption as a charitable and benevolent institution under Title 36 Section 652 of the Maine Revised Statutes Annotated on November 10, 2015, retrospective to April 1st for Tax Year 2015.

I'd conferred with the State that I was leaning toward the 2015 Tax Year exemption and committed at \$0.00; the State said I could supplement if I was incorrect.

The application was thoroughly reviewed and points about their operations and configuration were discussed with numerous other peers and Department of Property Taxation representatives.

The following underlined section appears to be the applicable statute, under which an irregularity of the assessment, among other reasons, may be relied upon for the prior years' abatements.

I'll bring down a copy of the letter I'd drafted to them as well.

Title 36 MRSA Section §841. Abatement procedures

1. Error or mistake. The assessors, either upon written application filed within 185 days from commitment stating the grounds for an abatement or on their own initiative within one year from commitment, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided that the taxpayer has complied with section 706.

The municipal officers, either upon written application filed after one year but within 3 years from commitment stating the grounds for an abatement or on their own initiative within that time period, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided the taxpayer has complied with section 706.

Brent

Brent Martin, CMA
Assessor
City of Belfast
131 Church Street
Belfast, Maine 04915
(207) 338-3370 x22
(207) 338-1649 Fax

Disclaimer: Where applicable, assessed values or other discussions of value herein are for ad valorem tax assessment purposes only and not to be used or relied upon for any other purpose. The City of Belfast assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive, or consequential, as a result of any errors, omissions, discrepancies, reliance, or use, whether selective or in total, of any information provided by the City of Belfast, its Employees or its

Brent C. Martin, CMA
City Assessor



Office of the Assessor

City Hall
131 Church Street
Belfast, ME 04915

Phone: (207) 338-3370 Ext 22
Fax: (207) 338-1649
Email: assessor@cityofbelfast.org

November 10, 2015

Al Crichton
Waterfall Arts
256 High Street
Belfast, Maine 04915

COPY

Re: Tax Exemption Request for Waterfall Arts at 256 High Street and PILOT
(Map 013, Lot 032)

Mr. Crichton,

The Assessor's Office has received and has now had sufficient time to review and decide upon your application for property tax exemption for Waterfall Arts, located at 256 High Street in Belfast, Maine (Map 013, Lot 032; formerly known as the Anderson School).

After inspected the property in early spring, I'd informed you I would assist you with your filing. Time was needed to thoroughly research, among other things, the functionality of your enterprise within the community as it relates to the property, the history of your property within the community and the rather complex property tax exemption criteria in the state statutes and applicable case law, noting that the presumption is that real property tax exemption for institutions requires a heightened threshold be met. I'd indicated that, among other potential filings, two different two-pronged criteria for 501(c)(3) nonprofit organizations for real property tax exemption are the most common and possibly fitting for organizations most similar to yours. These criteria determine whether a nonprofit is 1) a benevolent and charitable institution or 2) a literary and scientific institution. In the recently received application, you elected to file under the charitable and benevolent criteria. I would agree.

Waterfall Arts has been approved for Real and Personal Property exemption from taxation in the City of Belfast.

The statute under Title 36 Maine Revised Statutes Annotated (MRSA) §652 (1) (A) states:

"The real estate and personal property owned and occupied or used solely for their own purposes by benevolent and charitable institutions incorporated by this State are exempt."

My concern initially arose with the term "solely" as it is often overlooked and sometimes misinterpreted. The plain language of section 652(1)(A) precludes the tax exemption when even a small percentage of the building is not used solely (emphasis added) in furtherance of the organization's charitable or benevolent purposes. Case law also clarifies part of the "solely" determination in these types of applications, such as *City of*

Lewiston v. Marcotte Congregate Housing, Inc. [Supreme Judicial Court of Maine, 673 A. 2d 209 (1996)], where the Maine Supreme Court affirmed no tax exemption would apply even where a dominant use of the building would qualify for tax exemption as the property was not used “solely” for the charitable and benevolent organization’s own purposes. Recent case law in the *Hebron Academy, Inc. v Town of Hebron* case, however, appears to have relaxed my concern for, in particular, situations where the properties at issue are “owned and used solely for [its] own purposes.” My concern had been the presence of the gallery or even room rentals for artistic purposes by either formal or informal instructors, volunteers, or the public.

As Waterfall Arts may operate certain parts of its existing building for incidental rentals by artists on occasion but where such property’s primary purpose is for charitable and benevolent service to the needs of the community, this was considered to be in line with 36 MRSA §652. Nothing within the use of a gallery or any of the art rooms would interfere with the organization’s tax exempt purposes (*Bristol 385, A 2d at 43-44*, where a property’s exemption status is determined by analyzing the scope of non-exempt rights of use to the property and whether they interfere with the organization’s tax exempt purpose).

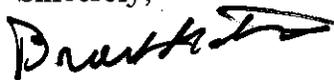
In your application, you indicated a high number of estimated volunteer hours. You also have had great expense to renovate, repair and maintain a building that has historical prominence in the community, giving an indication that any income derived from services rendered from the building has been in keeping with the overall charitable purpose of Waterfall Arts and not for profit.

Conversely, if there is rental income developed from an alternate use (such as residential rental use), this may prevent, or cause the loss of, an exemption as it has been clarified in case law. Other reasons may cause loss of an exemption so please consult legal counsel if concerned. It is important to note that the Assessor’s Office actively monitors Real Property exemptions to determine if compliance is maintained and to determine if the organization is handled in a manner consistent with a charitable and benevolent institution. If undertaking any material changes, please feel free to contact this office.

With that said, the City Manager and City Council have been informed that, after careful consideration of the state statutes and certain case law as well as my deliberation with city employees and numerous tax payers and residents familiar with your operating history within the City as well as in-depth discussions with both assessing peers and state employees in Maine Revenue Services’ Property Tax Division, I have determined Waterfall Arts meets the criteria required to obtain a real and personal property tax exemption for 256 High Street as a charitable and benevolent institution.

If you have any questions, please do not hesitate to ask, email or write.

Sincerely,



Brent Martin
City Assessor



10.G

CENTRAL MAINE POWER CO.

NEW SERVICE GROUP

FAX: 207-629-4752

FAX

TO: City of Belfast

FAX #: 338-6222

DATE: 11-20-15

PAGES: 3

2075949696

12:51:18 p.m.

11-20-2015

4 /4

Form 4503

Notification: 10300179503

Work Order: 801000069689

LOCATION PERMIT

Upon the Application of Center Maine Power Company and Northern New England Telephone Operations LLC ,
 dated Nov 20, 2015 , asking for permission, in accordance with law, to construct and
 maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances
 over, under, along or across certain highways and public roads in the location described in said application,
 permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location,
 said facilities and appurtenances in the City / Town of Belfast
 approximately located as follows:

- 1. Starting Point: Race Street
- 2. Road (State & CMP): Ocean Street
- 3. Direction: SE
- 4. Distance: 200 feet
- 5. Number of Poles: 1

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: _____
 By: _____
 By: _____
 By: _____
 By: _____

Municipal Officers

Office of the _____

Received and Recorded in Book _____, Page _____

Attest: _____
 Clerk

11-20-15