

These are “Action Only” minutes. Video of comments may be found on recorded discs at City Hall or at www.cityofbelfast.org.

**City of Belfast
Council Chambers-Belfast City Hall
Tuesday, September 17, 2013**

**Public Hearing #1
7:00 p.m.**

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on September 17, 2013 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application by J J J & G, Inc. d/b/a Darby’s Restaurant located 155 High Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant Class liquor license, interior only.

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

**Regular Council Meeting No. 6
Immediately following the Public Hearing**

1) Call to order

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

3) Pledge of Allegiance

4) Adoption of the agenda

City Manager Slocum requested to remove item 10.C: Discussion and possible action on an agreement with Brooks Preservation Society for acquisition of easements for the development of parking and bathroom facilities associated with the Rail Trail.

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

5) Acceptance of the minutes

Regular Council Meeting of September 3, 2013.

Councilor Mortier, seconded by Councilor Hamilton, made a motion to accept the minutes from Regular Council Meeting of September 3, 2013. This was approved 5-0 .

6) Open to the public

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

1. Bill Kao of Belfast spoke about his concerns of excessive front street lighting for the Harbor Walk and urged Councilors to listen to neighborhood input.
2. Caitlin Hills of Belfast spoke about her reasons for running for the RSU #20 school board and what she hopes to accomplish as a board member.
3. Kimberly Callas spoke on behalf of Belfast Creative Coalition and their partnership with Maine Farmland Trust in developing the Waldo County Farm and Arts Trail that is beginning Fall 2013.
4. Joanne Boynton of Belfast spoke about her concerns about the Harbor Walk lighting and hopes for more discussion on the matter.
5. David Carlson owner of Three Tides, Belfast thanked the Council for their continued support and consideration during the public hearing.
6. Roy Rogers of Belfast spoke about the loss of the night sky due to the Harbor Walk lights and would like Councilors to consider light restrictions.
7. Judy Kao of Belfast spoke about the lighting design report and asked the Councilors to consider changing the bulbs.

7) Communications

City Manager Slocum reported on his communications with Time Warner and the process/steps that need to be taken by Citizens of Belfast to receive a digital adapter. Anyone that needs to have one of these adapters can call the City Manager's office for more information on how to do so. Councilor Hurley suggested taking action to spread the word about how to get this information through other forms of media such as the City website and local newspapers.

City Manager Slocum addressed the upcoming Searsport Dredging, and reported that a copy of the Environmental Assessment had been sent out to members of the Council for review.

City Manager Slocum reported that Belfast Area High School would be having a parade on October 11, 2013.

City Manager Slocum reminded citizens of Belfast that Wards 1-4 would be voting at the Boat House, Ward 5 would be voting at the Church as usual.

City Manager Slocum thanked Three Tides for their continued support and work in community events.

City Manager Slocum welcomed the new Administrative Assistant to the City Manager Manda Cushman.

Councilor Hamilton reminded Citizens that it is 7:30 and polls are open for another 30 minutes.

Councilor Hurley urged public to attend public hearings, their participation is important in getting things right from the beginning.

Councilor Lee would like to review what the lighting engineer explained about the lights being full cut off lighting to determine if they are what the Councilors were told they would be.

Councilor Sanders spoke about his concerns about cutting into the Common to elevate parking.

8) Old Business and Council Committee Reports

None.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve application by J J J & G, Inc. d/b/a Darby's Restaurant located 155 High Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant Class liquor license, interior only.
- B. Request to confirm Travis Spenser as a Reserve Officer for the Belfast Police Department.
- C. Request by Three Tides waterfront bar to have an extension of existing liquor license for the upcoming 6th Year of Beer & Pemaquid Mussel Festival from 9:00 a.m. on the 19th of October through 1:00 a.m. of October 20th, 2013.
- D. Request from the Police Chief to appoint Travis Spencer as a Belfast Police Reserve Officer
- E. Request to conduct the 2013 National MS Walk on City Sidewalks
- F. Resolution honoring George R. and Eugenie B. Milburn and their descendants for more than 120 years of devoted care given by the Milburn family to the Belfast Civil War Flag Quilt, lovingly stitched by the Women of Belfast in 1864

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

10) Business

- A) Discussion and possible action to accept "Alberta Way" as a City street.

Assistant Planner Jamie Francomano provided overview of the progress of "Alberta Way" and gave his recommendation that the Council accept it as a city street due to the fact that the applicant has paid in full and followed all specification requested by the City.

Tom Pendleton of Goose River Apartments thanked the Council for their support.

Councilor Lee, seconded by Councilor Sanders, made a motion to accept "Alberta Way" as a City street. This motion was approved 4-0.

- B) Discussion and possible action on proposal to share joint financial responsibilities for trees running alongside First Church.

City Planner Wayne Marshall provided overview of the condition of the trees running alongside First Church. The City Planner gave the recommendation that there should be a mutual responsibility to care for the trees.

Patricia Worth from the First Church addressed the Council, and shared concerns about safety in regards to the current state of the trees. She proposed sharing mutual responsibility/cost 50/50 between the First Church and City.

There was a lot of discussion between Councilors on the matter on what percentage of the shared cost the City should have.

Councilor Hurley, seconded by Councilor Sanders, made a motion to authorize up to \$2,000 of the tree budget to assist in the tree trimming that needs to be done along the First Church property which will include the removal of a large ash tree near the Police Station. This motion was approved 5-0.

C) Discussion and possible action on an agreement with Brooks Preservation Society for acquisition of easements for the development of parking and bathroom facilities associated with the Rail Trail.

*Item removed from agenda.

D) Discussion and possible action on request from Brooks Preservation Society for a long term lease covering the City old rail corridor from Oak Hill Road to the Waldo Town line.

City Manager Slocum gave a brief discussion about the Rail Trail project and turned it over to Joe Feero President of Brooks Preservation Society who spoke about their request to extend the 5 year lease for a long term 25 year lease to ensure that they see a return in their investment.

Councilor Hamilton, seconded by Councilor Mortier, made a motion to have Brooks Preservation Society to work with City Manager Slocum to create language to extend lease to 25 years and bring back the agreement to Councilors at the next regular Council Meeting on October 1, 2013. This motion was approved 5-0.

E) Request from the City Manager for Council permission to a word in naming rights or recognition memorials for donors who make large contributions to the construction of the Rail Trail.

City Manager Joe Slocum provided a brief explanation about naming rights or recognition memorials for donors who make contributions between \$5,000 to \$100,000 to the construction of the Rail Trail, which could include such markers as benches, not the actual naming of the Trail.

Councilor Sanders, seconded by Councilor Mortier, made a motion to grant City Manager permission provide recognition memorials to large donors of the Rail Trail. This motion was approved, 4-1.

F) Request from the City Manager for conditional approval to commit to County school and city real estate taxes.

City Manager Joe Slocum gave a brief explanation of the two possible outcomes of the RSU #20 budget voting. He recommended that the Council go forward as stated in the budget to get tax bills out by the end of September. He would also like Councilors to select a mil rate that they would be comfortable with from the list he provided, and if necessary corrections can be cured with abatements. Mayor Ash suggested tabling the issue until the first available results from the polls are in.

Councilor Hamilton, seconded by Councilor Sanders, made a motion to table the issue until first voting results had been received. This motion was approved 5-0.

Councilor Hurley, seconded by Councilor Hamilton, made a motion to take the issue off the table. This motion was approved 5-0.

Councilor Hamilton, seconded by Councilor Mortier, made a motion for a conditional approval to commit to County school and city real estate taxes with a 20.8 mil rate. This motion was approved, 5-0.

G) Request from the Police Chief for authorization to buy a new cruiser.

Police Chief Mike McFadden provided his recommendation for the request of a new 4 wheel drive vehicle, in which the estimated cost fits within his budget. Councilor Mortier requested the Police Chief give a background on how the police department utilizes vehicle.

Councilor Sanders, seconded by Councilor Hurley, made a motion to support the Police Chief's recommendation to purchase a new 4WD vehicle. This motion was approved, 5-0.

H) Request from the Fire Chief to buy a refurbished Ambulance for \$89,000.

City Manager Slocum spoke on behalf of Fire Chief Jim Richards. He gave a brief explanation of the refurbished Ambulance that the Fire Chief would like to purchase, providing the Council with photos.

Councilor Lee, seconded by Councilor Hamilton, made a motion to give the Fire Chief authority to purchase a refurbished Ambulance. This motion was approved, 5-0.

I) Request from Fire Chief to buy a used Fire/Rescue Vehicle.

City Manager Slocum spoke on behalf of Fire Chief Jim Richards. He gave a brief explanation of the refurbished Fire/Rescue Vehicle that the Fire Chief would like to purchase, providing the Council with photos.

Councilor Mortier, seconded by Councilor Hamilton, made a motion to give the Fire Chief authority to purchase a refurbished Fire/Rescue Vehicle. This motion was approved, 5-0.

J) Update Harbor Walk from the City Planner.

City Planner Wayne Marshall provided an update on the Harbor Walk, discussed current issues on lighting, trees and bollards and had an open discussion with the Councilors about these issues. The City Planner recommended going forward with new trees, will still keep the project under budget.

City Councilor Hurley, seconded by Councilor Mortier, made a motion to go forward with the City Planners recommendation of new trees. This motion was approved, 5-0.

K) Signing of Council Orders and housekeeping items.

11) Open to the Public

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

1. Bill Kao of Belfast spoke once more about his concerns with lights along the Harbor Walk and urged Councilors to visit the lights at night.

12) Communications

Councilor Hurley requested a call to CMP to fix light by City Hall.

Councilor Hurley requested looking into fixing the storm drain by the cemetery.

Councilor Slocum discussed his communications with CMP regarding the replacement of polls from sidewalks.

City Manager Slocum suggested preparing for offsite financial data back-up in case of severe weather.

Councilor Sanders discussed 3 open school board slots and wants to confirm what the process is; and suggested having Ned Lightner film a debate between the three running candidates.

Mayor Ash congratulated Matthews Brothers on winning another award, for a great company.

Request to go into Executive Session to discuss 2 matters dealing with the acquisition of property and economic development pursuant to 1 MRSA 405 (6) C.

Councilor Hamilton, seconded by Councilor Mortier , made a motion to go into executive session to discuss a real estate and economic development matter pursuant to 1 M.R.S.A 405 6 (C) at 9:40 p.m. This motion was approved, 5-0.

Councilor Hamilton, seconded by Councilor Sanders, made a motion to move out of executive session at 10:14 p.m. This motion was approved, 5-0.

Request to go into Executive Session to discuss the condition, acquisition or use of real property and economic development pursuant to 1 MRSA 405 (6) C.

Councilor Lee, seconded by Councilor Hamilton, made a motion to go into executive session to discuss a real estate and economic development matter pursuant to 1 M.R.S.A 405 6 (C) at 10:14 p.m. This motion was approved, 5-0.

Councilor Hamilton, seconded by Councilor Hurley, made a motion to move out of executive session at 10:23 p.m. This motion was approved, 5-0.

Request to go into Executive Session to discuss Union Matters and labor contracts covering the Police Union and the Public Works Union under 1 MRSA 405 (6) E.

Councilor Hurley, seconded by Councilor Hamilton, made a motion to go into executive session to discuss a real estate and economic development matter pursuant to 1 M.R.S.A 405 6 (C) at 10:23 p.m. This motion was approved, 5-0 .

Councilor Hamilton, seconded by Councilor Hurley, made a motion to move out of executive session at 10:35 p.m. This motion was approved, 5-0.

13) Adjourn

Councilor Hamilton, seconded by Councilor Hurley, made a motion to adjourn at 10:35 p.m. The motion passed 5-0.

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

ATTEST 
AMANDA CUSHMAN, BELFAST MAINE