

**Manager's Report  
City Council Meeting  
Tuesday, March 2, 2010  
City Hall at 7p.m.**

**TO: Mayor Walter Ash Jr. and Members of Belfast City Council**  
**FROM: Joseph J. Slocum, City Manager**  
**DATE: Friday, February 26, 2010**

**Non-Agenda Items:**

More CMP Tree trimming coming to Belfast in 2010.

CMP representatives advised me yesterday they would be doing additional tree trimming in the City this year on different streets than last year. Enclosed is the list of streets they intend to cut on. The cutting is required of CMP by the Public Utilities Commission (PUC) and is intended to cut back and reduce the number of power outages arising from trees hitting power lines.

CMP will trim a "minimum" of 8' on the sides of lines, a "minimum" of 15' above the lines and also cut trees that are directly underneath the lines. They do not stop and talk to every household before they cut along these streets.

The ONLY WAY for homeowners to have contact with the cutters in advance of cutting is for the owner to contact CMP by one of the 2 following ways:

1. Register on line by going to [www.cmpco.com/UsageAndSafety/TreeCare/default.html](http://www.cmpco.com/UsageAndSafety/TreeCare/default.html)

**OR**

2. Mailing a letter to:

CMP Vegetation Notice  
83 Edison Drive  
Augusta, Maine 04336

These instructions are also available at City Hall.

Agenda Items

**10.B Consideration of a proposal submitted by the privately formed Belfast Civic Center Committee seeking City financial support for the acquisition, modification and operation of a Civic Center in Belfast.**

As the Council is aware, a private group of citizens has formed themselves into a group that is called Belfast Civic Center Committee. This group has been investigating the possibility of acquiring a property in Belfast for a Civic Center and also investigating options for improving such a facility and actually

operating it. Attached to your packet and also available on the City's web site is their proposal. Representatives from the Belfast Civic Center Committee will be at the meeting to explain this proposal to you and respond to any questions you may have.

**10.C Update from the Belfast Area Chamber of Commerce.**

Janet Dutson, the new executive director of the Belfast Area Chamber of Commerce has asked for an opportunity to update the council on the Chamber.

**10.D Request from the Energy and Climate Committee for council support for a letter to the State Legislature supporting a property assessed clean energy program for Maine.**

This was moved forward from the last meeting, and essentially involves a proposed piece of State legislation to provide funding for energy improvements in households throughout the State. The proposed letter of support is intended, and has been amended, to include support for such a program to provide financial assistance for both weatherization and equipment retrofitting.

If such a program were enacted in the state, a funding source, either state or local, would advance the payment for the energy improvements to the residential building and the money would be paid back by the owner(s) of record over the next 20 or so years. The idea is to help people who do not want to make costly 20-year improvements if they don't think they will be at the property to recoup that long-term value. If the property is sold the new owner(s) picks up the payment responsibility. An Energy and Climate Committee member will be present at the meeting.

**10.E Request from the Belfast Rotary and the privately organized Harbor Fest Committee to conduct a Belfast Harbor Fest and National Boat Building Challenge at the Belfast Boat House, Steamboat Landing and Belfast Common from August 19 through August 22.**

This event is the successor event to the former National Boat building Challenge. The Belfast Rotary Club is the chief sponsor. We will have many events, including a road race, a pancake breakfast, a small boat show, a fish tournament and at least two different boat-building efforts. The request is attached to your packet and has been distributed to the City departments. There does not appear to be any conflicts as far as we can see.

However, on Thursday, the 25<sup>th</sup> we received clarification that a local restaurant is proposing to hosting a private event for families that will charge admission and sell food, music and alcoholic beverages in the Park. The details of this event arrived on Thursday, February 25<sup>th</sup>, and we have not had sufficient time to evaluate the risks, or the policy issues associated with this activity. I would ask that you approve the festival for these dates, but that you wait until your meeting of March 16<sup>th</sup> before responding to the request of a local restaurant to organize a private event serving alcoholic beverages on city property.

At this writing the City still has an ordinance prohibiting the consumption of alcoholic beverages in City Park. The former Council did grant an exception for the Celtic Festival for a limited opportunity for alcohol sale and consumption that was part of the event itself.

If I understand the proposal, the Boat Building Challenge needs to spend a lot of money to rent a very large tent. In order to defray the cost of that tent rental, they've worked out an arrangement with a local restaurant who will help finance the rental of that tent if they themselves can conduct their own for fee event on city property, which again features the sale and consumption alcoholic beverages.

Allowing private entities or groups to use City property for events, which they charge admission and sell food and beverage, is a bit of a slippery slope. We financially support the Celtic Celebration, the New Years by the bay who each try to raise enough money just to offer the Community a fun event. We let the Maskers' use City Property and they charge fees to cover their costs. We do not charge the Farmers Market anything and they clearly sell food and goods. We rent the Boat House out to a variety of groups who use the facility and sell items but we do not rent out parks like we rent the Boat House.

I am cautious about City property because we are blessed with a lot of it, which is highly coveted by individuals, and groups who would love to use it for their respective gain. I do worry that we could attract a lot of groups who want to use it as a fundraising opportunity or a business promotional opportunity.

We will also need time to consult with our insurance carrier on this proposal between now and March 16<sup>th</sup>. We ask that you approve the dates for the event but wait until the 16 to decide on the rest.

**10.F Consideration of a request from Little River Baptist Church to run a community Easter egg hunt at Steamboat Landing Park.**

For several years, the City of Belfast Parks and Recreation Commission has run an Easter egg hunt. This past year the Commission was approached by Little River Baptist Church, who asked if they could operate the Easter egg hunt for the City. Apparently the Parks and Recreation Commission have no problem with this, and support this request.

Since this is an outside entity, they really need to secure City permission to operate an event on City property. In your packet is a copy of the information they have given us. I have nothing in writing as to whether or not there is any religious overtone to this activity. I have asked Parks Director Jim Bell to follow up on that question so it can be clarified at the meeting. Representatives of Little River Baptist Church and Jim Bell will be at the meeting to answer any questions.

**10.G Consideration of a request by the Police Chief to create a third sergeants position within the Belfast Police at a cost of \$1,664.**

In your packets you will see a memo dated February 16, 2010 from Chief of Police Jeffrey Trafton. The City currently has two sergeants, both of whom work the night shift. When there is a very serious incident, it is critical that someone be in a supervisory role to oversee all aspects of the law enforcement response. Generally at night we have this, many times during the day we do not.

The Police Chief himself acts as the supervisor when he is in Belfast during the day, but there are many parts of the day when he is not in Belfast and is often called away for meetings with state officials, training, vacation, etc. We are not seeking to hire a completely new or additional person. We have

recently made arrangements to hire a new detective to replace Detective McFadden, who has left to work for the State Police. What we've proposed to do is combine with the detective's existing responsibilities, those supervisory responsibilities of a sergeant. The same individual who would be the detective would now be a detective/sergeant.

The total cost to the City for this change would be \$1,664 a year. It is a small sum for the amount of responsibility and coverage that it will provide, and I support the chief's request. The source of these funds would come from the existing budget.

**10.H Consideration of a proposed Request for Proposal to various consulting firms to assist the City with the development of an updated waterfront and downtown master plan.**

This is a matter that has been carried forward from last meeting. At the February 16<sup>th</sup> meeting, City Planner Wayne Marshall presented you with a proposed RFP (Request for Proposal) which would be submitted to a variety of private consultants in hopes that they would be submitting specific proposals back to the City as to how it would assist us with updating our long term waterfront and downtown master plan.

Within this document prepared by Mr. Marshall are a variety of specific tasks that we would be asking these outside consultants to perform. Wayne has done his best to identify these tasks so that the consultants respond to the actual needs that the City is seeking assistance with. It is imperative that Council members review these tasks to assure themselves that their expectations are reflected in the various tasks we are asking an outside consultant to perform for us.

Once the City approves an RFP, it will be shipped to a variety of consultants, who will make an assessment as to whether or not they have the qualifications and/or the time to assist the City. If so, these consultants will make a specific proposal back to the City as to how they would go about helping us update our master plans. In those proposals the consultants would identify their skill sets and qualifications, outline how they would propose to proceed to address the task's we have identified and identify the associated costs of all of that work. Obviously the more we task the Consultant to do the greater will be the expense.

Once all of those proposals are received, the City would then review them, likely conduct interviews, and make an assessment as to which consultant would be best suited for Belfast's own unique needs. Wayne Marshall has a fresh copy of the proposed RFP in this packet for your consideration as well as an additional attachment seeking specific Council guidance on certain items.

**10.I Amendments to the City's Code of Ordinances (zoning) regarding a proposal to allow rural affordable housing developments -consistent with the adopted future land use recommendations in the comprehensive plan.**

Attached in your packets you will see documentation from City Planner Wayne Marshall. Essentially, Habitat for Humanity has asked that we allow them to create more than one residential facility on a

particular piece of property in order to provide more homes for people who need them. Wayne Marshall will be at the meeting should you have any questions on this proposed amendment.

**10.J Consideration of selling tax acquired property back to its former owners.**

On January 19, 2010, the City foreclosed on three mobile homes for failure to pay 2007 property taxes. One of the mobile homes is pretty much worthless. The other two are still occupied by their former owners who have evidenced both an interest and ability to buy back their properties and pay off their outstanding taxes.

Attached to this packet is a letter dated February 24, 2010 from City Treasurer Rickie LeSan, who has recommended that the City authorize staff to enter into agreements with these property owners so that they may reacquire their properties, and to authorize the City Manager to execute any and all documents necessary to fulfill that intent.

**10.K Continued discussion on a Surplus Policy.**

**10.L Discussion of using Sewer Undesignated Fund Balance to pay \$37,895.96 for new sewer debt for April 2010.**

In January of 2009 the City Council took a risk and authorized the expenditure of up to \$75,000 from sewer reserves to do preliminary engineering work so the City would be shovel ready and in a good position to compete for Federal Stimulus Funds for significant sewer system upgrades. Our City sewer users were otherwise going to have to pay out of their own pockets for these improvements if we did not get one of these Federal Grants. Of the 240 project applications- Belfast was one of 16 that were fully funded. We secured project funds in excess of \$3,000,000. Out of this number the City was only required to pay back \$715,554 at no interest over 20 years. The bids came in lower than expected and the total job cost was reduced to \$2,710,000. Of this the City is responsible for \$669,370.

In July 2009 the Council authorized the bonding needed to finance this work. The original \$75,000 never had to be spent because it was reimbursed by the actual grant.

We have borrowed this money and will pay it back at 0% interest over 20 years. The first few payments are weighted and eventually this payment will be roughly \$17,000 twice a year rather than \$37-38,000 twice a year.

Presently we need to make an April 2010 debt payment of \$37,895.96. We did not budget for this because we did not know we had this obligation or the amount when we passed the sewer budget last spring.

I ask the Council to authorize this payment from Sewer Undesignated Fund Balance (Sewer Surplus). We will then address the remaining debt service through the normal budget process. Our goal in the overall refinancing will be to maintain stability in debt service. We believe we can pick up the new debt as our old debt is retired so the amounts will either not change or actually decrease.

**10.M Request to appropriate \$28,930 from the undesignated fund balance of the sewer department to pay for an upgrade of the Congress Street pump station.**

The Congress Street pump station has been in need of electrical and mechanical upgrade for three years. We put the matter out to bid last fall and secured the lowest bid at \$28,930. Originally we had hoped to have this work paid for through the Federal stimulus package that is currently supporting two other major sewer projects in the City. However, because this was not originally part of the original plan or application for those projects, it is not possible for the stimulus package to cover this expense as well. I would note that we looked at rebuilding the pump station to an above ground station that is easier to maintain but the quote for that was in excess of \$500,000. Since we can't use stimulus money I recommend that we appropriate the amount of \$28,930 for purposes of the Congress Street pump station retro fit and that should come from the Sewer Undesignated Fund balance. If you have any questions I can answer them for you at the meeting.

**10.N Discussion of authorizing up to \$4,000 of Undesignated Fund Balance for a Federally required appraisal process to secure Federal funding to purchase the Ace Aviation buildings at the Belfast Airport.**

The Council previously authorized spending \$1,500 for this purpose. We spent \$500 six months ago and secured an independent value of \$55,000. As we have moved forward to complete this mostly federally financed (97.5%) acquisition I learned two weeks ago that the Feds require special appraisals that conform to special federal aviation regulations. Moreover, once that appraisal is done, they then require that another independent Federally competent appraiser review and report on that appraisal for compliance with those federal regulations. The first appraisal cost about \$1,750 and the Review Appraisal cost about \$1,900. Our initial appraiser has indicated that he is not qualified to update his original appraisal to meet these federal regulations because he lacks the understanding that the technical elements these regulations call on to be evaluated. I regret this is so foolishly bureaucratic but when it comes down to it if the Feds are going to pay 97.5% of everything- including these appraisals- we have to follow their rules. So I am asking for authorization to spend up to \$4,000 from Undesignated Fund Balance and I will seek reimbursement from the Feds as we close the transaction.

Why buy this building?

Because the Master Plan for the Airport over the last 10 years has relocated the hub of the Municipal Airport west of this building- including the relocation of our Fixed Based Operator, leaving this privately owned building off to the side of most of the airports activity. Since the City does not own the building we have to monitor what goes on there to make sure it is consistent with airport activity and airport safety. This is not that easy because of where it is located so it will be easier for us to manage this facility if we control it. We also do not want this building to compete with our Fixed Based Operator, which this lease would allow it to do. Our Fixed based Operator is on a thin profit margin and acts as our daily eyes and ears at the Airport. While the former owner was very good about this, he is no longer alive to make sure this continues. Finally we do need space. We would like to store the airport snow removal equipment at the airport rather than move it back and forth from the Public Works garage on Congress

Street. Also we may be able to secure some revenue from it by renting parts of it out for plane storage. All in all this is a better way to go than to risk the alternatives. Again the whole project should be 97.5% paid for by the federal government. Total City net cost is likely less than \$5,000.

**10.O Possible executive session to discuss real estate Matters under 1 Maine State revised Statutes Annotated Section 405 (6) C.**

This concludes this Manager's Report. This is a full agenda inspired by a lot of energetic and enthusiastic minds.

Be safe and enjoy your weekend.